BILL NO. S-85-08-26 as amended, as amended, as amended

SPECIAL ORDINANCE NO. S- 185-85

AN ORDINANCE amending the Municipal Code of the City of Fort Wayne, Indiana, by deleting Chapter 17, thereof and replacing therewith an entire new Chapter entitled "Motor Vehicles and Traffic"

WHEREAS, the Municipal Code of the City of Fort Wayne, Indiana, presently contains a Chapter 17 entitled "Motor Vehicles and Traffic"; and

WHEREAS, this Chapter needs to be amended in order to bring the entire chapter up-to-date by deleting sections already covered by the Indiana State Motor Vehicle law or have been found to be obsolete, or are found to be more applicable under that Chapter; and

WHEREAS, the Traffic Engineering Department and Police Traffic Division have recommended additions to Chapter 17 in order to secure the safety and convenience of the citizens of Fort Wayne, Indiana;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Chapter 17 of the Municipal Code of the City of Fort Wayne, Indiana, is hereby amended by deleting therefrom the present language and replacing therewith the language noted on the attached "Exhibit A" and made a part hereof, which now constitutes Chapter 17.

SECTION 2. That the following be deleted from the chapters presently containing these sections and that these same sections be incorporated into Chapter 17 as noted:

Sec. 7-191 through and including 7-197 being renumbered as Article XII; Sec. 18-24 & 18-24.1 be renumbered as Article IX. Sections (17-76) and (17-76.1); Sec. 25-3 being renumbered Section 17-97; and Sec. 25-6 being renumbered 17-88.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Councilmember

Read the first time in full and on motion by Redd, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock ____.M.,E.S

DATE: 8-13-85. Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Redd, seconded by Stier, and duly adopted, placed on its passage. PASSED (~~LOST~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	9	0			
BRADBURY	✓				
BURNS	✓				
EISBART	✓				
GiaQUINTA	✓				
HENRY	✓				
REDD	✓				
SCHMIDT	✓				
STIER	✓				
TALARICO	✓				

DATE: 10-8-85. Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~ANNEXATION~~) (~~APPROPRIATION~~) (GENERAL) (SPECIAL) (~~ZONING MAP~~) ORDINANCE (~~RESOLUTION~~) NO. S-185-85 on the 8th day of October, 1985,

ATTEST: (SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Mark E. GiaQuinta
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of October, 1985, at the hour of 11:30 o'clock A.M.,E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 14th day of October, 1985, at the hour of 9:00 o'clock A.M.,E.S.T.

WIN MOSES, JR., MAYOR

BILL NO. ___-85____-_____

SPECIAL ORDINANCE NO.___-_____

AN ORDINANCE amending the Municipal Code of the City of Fort Wayne, Indiana, by deleting Chapter 17 thereof and replacing therewith an entire new Chapter entitled "Motor Vehicles and Traffic".

WHEREAS, the Muncipal Code of the City of Fort Wayne, Indiana, presently contains a Chapter 17 entitled "Motor Vehicles and Traffic"; and

WHEREAS, this Chapter needs to be amended in order to bring the entire chapter up-to-date by deleting sections already covered by the Indiana State Motor Vehicle law or have been found to be obsolete, or are no longer applicable; and

WHEREAS, it has been determined that sections from other Chapters of the Municipal Code of Fort Wayne Indiana should be moved to Chapter 17, as they are found to ~~more be~~ be more applicable under that Chapter; and

WHEREAS, the Traffic Engineering Department and Police Traffic Division have recommended additions to Chapter 17 in order to secure the safety and convenience of the citizens of Fort Wayne, Indiana;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Chapter 17 of the Municipal Code of the City of Fort Wayne, Indiana, is hereby amended by deleting therefrom the present language and replacing therewith the language noted on the attached "Exhibit A" and made a part hereof, which now constitutes Chapter 17.

SECTION 2. That the following sections ~~outlined on the attached "Exhibit B"~~ be deleted from the chapters presently containing these sections and that these same sections be incorporated into Chapter 17 as noted: Sec. 7-191 through and including 7-197 being renumbered as Article XII; ~~Sections 17-116 through and including 17-122~~; Sec. 18-24 & 18-24.1 be renumbered as Article IX. Sections ~~17-7~~ (17-76) and ~~17-7~~ (17-76.1);

Sec. 25-3 being renumbered Section 17-97; and Sec. 25-6 being renumbered Section 17-88.

~~SECTION 3. That the ordinance outlined on the attached "Exhibit B" be incorporated into this ordinance to amend the noted sections and schedules of Chapter 17.~~

~~SECTION 4. That the Truck Ordinance on the attached "Exhibit D" be added to Chapter 17 where noted.~~

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

_____
Councilmember

APPROVED AS TO FORM
AND LEGALITY

_____
Bruce O. Boxberger, City Attorney

MOVE THAT SECTION 17-82 THRU 17-90 (New Truck ord.)
be amended out and that § 119, 120
and 121 (old truck ordinance) be main in force

3rd Amendment

Effective date of ordinance should
read January 10, 1986.

~~Preserve~~ reserve those sections amended

out Do not ~~renumber~~ renumber

↓

~~the~~ ~~se~~

" sections 17-82 - ~~90~~ thru §17-90
(Reserved) "

LEGAL NOTICE

Notice is hereby given that on the 8th day of October, 19 85, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. S-85-08-26 (as amended) (as amended) (as amended) Special Ordinance No. S-185-85 to-wit:

BILL NO. S-85-08-26 as amended, as amended, as amended

SPECIAL ORDINANCE NO. S- 185-85

AN ORDINANCE amending the Municipal Code of the City of Fort Wayne, Indiana, by deleting Chapter 17, thereof and replacing therewith an entire new Chapter entitled "Motor Vehicles and Traffic"

WHEREAS, the Municipal Code of the City of Fort Wayne, Indiana, presently contains a Chapter 17 entitled "Motor Vehicles and Traffic"; and

WHEREAS, this Chapter needs to be amended in order to bring the entire chapter up-to-date by deleting sections already covered by the Indiana State Motor Vehicle law or have been found to be obsolete, or are found to be more applicable under that Chapter; and

WHEREAS, the Traffic Engineering Department and Police Traffic Division have recommended additions to Chapter 17 in order to secure the safety and convenience of the citizens of Fort Wayne, Indiana;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Chapter 17 of the Municipal Code of the City of Fort Wayne, Indiana, is hereby amended by deleting therefrom the present language and replacing therewith the language noted on the attached "Exhibit A" and made a part hereof, which now constitutes Chapter 17.

SECTION 2. That the following be deleted from the chapters presently containing these sections and that these same sections be incorporated into Chapter 17 as noted:

Sec. 7-191 through and including 7-197 being renumbered as Article XII; Sec. 18-24 & 18-24.1 be renumbered as Article IX. Sections (17-76) and (17-76.1); Sec. 25-3 being

renumbered Section 17-97; and Sec. 25-6 being renumbered 17-88.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor, effective date of this ordinance is January 10, 1986.

Charles B. Redd
Councilmember

Read the third time in full and on motion by Redd, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine
Bradbury, Burns, Eisbart, GiaQuinta, Henry, Redd, Schmidt, Stier, Talarico
NAYS: None

DATE: 10-8-85

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-185-85 on the 8th day of October, 1985.

ATTEST: (SEAL)

Sandra E. Kennedy
City Clerk

Mark E. GiaQuinta
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of October, 1985, at the hour of 11:30 o'lock A.M.,E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 14th day of October, 1985, at the hour of 9:00 o'clock A.M.,E.S.T.

Win Moses, Jr.
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of Special Ordinance No. S-185-85, passed by the Common Council on the 8th day of October, 19 85, and that said Ordinance was duly signed and approved by the Mayor on the 14th day of October, 19 85, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 14th day of October, 19 85.

SEAL

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

ATTEST: (SEAL)

Sandra E. Kennedy — Mark E. Gia Quinta

SANDRA E. KENNEDY, CITY CLERK — PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of October, 1985, at the hour of 11:30 o'clock A.M.,E.S.T.

Sandra E. Kennedy

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 14th day of October, 1985, at the hour of 9:00 o'clock A.M.,E.S.T.

WIN MOSES, JR., MAYOR

First Amendment

Sec. 17-6 (as amended)

(a) Unless another penalty is expressed provided by law, every person convicted of a violation of any provision of this chapter shall be punished by a fine of not more than one thousand dollars ($1,000.00). (Ord. 2726, 1; Ord. No. G-37-77, 1; 9-27-77; Ord. No. S-59-82, 3, 4-12-82)

(b) There is hereby established the following schedule of penalties for violations of the following provisions of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1985.

(1) Section 61: If the violator appears in response to a notice affixed to such motor vehicle within a period of 14 calendar days from the date and time shown on said notice affixed to such motor vehicle, the penalty shall be $5.00. If the violator fails to appear in response to a notice affixed to such motor vehicle within 14 calendar days from the date and time shown on said notice affixed to such motor vehicle the penalty shall be $10.00.

(2) Sections 52, 65, 42 (15), 38, & 42 If the violator appears in response to a notice affixed to such motor vehicle within a period of 14 calendar days from the date and time shown on said notice affixed to such motor vehicle, the penalty shall be $10.00. If the violator fails to appear in response to a notice affixed to such motor vehicle within 14 calendar days from the date and time shown on said notice affixed to such motor vehicle the penalty shall be $20.00.

(3) Sections 42 (a)(1), 42 (a)(5), 42 (14), 43, 42 (a)(4), 48 (c), & 69.5 (c) If the violator appears in response to a notice affixed to such motor vehicle within a period of 14 calendar days from the date and time shown on said notice affixed to such motor vehicle, the penalty shall be $20.00. If the violator fails to appear in response to a notice affixed to such motor vehicle within 14 calendar days from the date and time shown on said notice affixed to such motor vehicle the penalty shall be $40.00.

Sec. 17-62. Fines (as amended)

(a) All violations outlined in divisions 1, 2 & 3 are considered separate and additional violations, each and every hour such violation occurs, unless otherwise specified in this chapter.

(b) All fines delinquent in payment for 14 calendar days or longer from the date of the violation will be double the original fine, unless otherwise specified in this chapter.

(c) A fine schedule shall be maintained in the office of the City Clerk.

Memorandum

To Jimmy Stier Date 10-8-85

From Kate Love-Jacobson, Research Assistant

Subject Fines for residendial illegal parking

COPIES TO:

17-48.1

Any person, violating any provision of Section 17-42 (a) (16), 17-42(c) (1), 17-42 (c)(2), 17-42(d), 17-42 (e), 17-42(f) & 17-70, this article outlined herein under the jurisdiction of the Board of Public Works and Safety shall be immediately fined, without prior warning notice, as follows:

Inoperable and/or abandoned vehicles	$50.00
Illegal vehicles in residential area	$25.00
Operable vehicles in yard	$25.00

Each and every day such violation is committed or is permitted to continue shall constitute a separate offense and shall be punishable as such.

All fines shall be payable to the Violations Bureau located in the Office of the City Clerk of Fort Wayne, Indiana.

Section 17-75 is amended to delete "in the amount not exceeding three hundred dollars ($300.00) and replace with fifty dollars ($50.00).

Second Amendment

Move that Section 17-82 thru 17-90 (new truck ordinance) be amended out and that Section 119, 120 and 121 (old truck ordinance) remain in force

Third Amendment

Effective date of ordinance should read January 10, 1986.

The above three amendments received an unanimous voice vote of "yes" from all councilmembers.

Sandra E. Kennedy
City Clerk

10-8-85

Memorandum

To Jimmy Stier Date 10-8-85

From ~~Kate Love-Jacobson, Research Assistant~~

Subject Fines for residential illegal parking

COPIES TO:

17-48.1

17-70

Any person violating any provision of Sections 17-42 (a)(16), 17-42(c)(1), 17-42 (c)(2), 17-42(d), 17-42 (e), and 17-42(f), of this article outlined herein under the jurisdiction of the Board of Public Works and Safety shall be immediately fined, without prior warning notice, as follows:

Inoperable ~~junk~~ or and abandoned vehicles ~~on property~~	$50.00
Illegal vehicles in residential area	$25.00
Operable vehicles in yard	$25.00

Each and every day such violation is committed or is permitted to continue shall constitute a seperate offense and shall be punishable as such.

All fines shall be payable to the Violations Bureau located in the office of the City Clerk of Fort Wayne, Indiana.

Section 17-75 is amended to ~~Substitute 50.00 for " in the~~

delete " in the amount not exceeding three hundred $300 " and replace with $50.00 "

BILL NO. S-85-08-26

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the Municipal Code of the City of Fort Wayne, Indiana, by deleting Chapter 17, thereof and replacing therewith an entire new Chapter entitled "Motor Vehicles and Traffic"

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) (~~RESOLUTION~~) AS AMENDED, AS AMENDED, AS AMENDED

YES		NO
Charles B. Redd	CHARLES B. REDD CHAIRMAN	
Janet G. Bradbury	JANET G. BRADBURY VICE CHAIRWOMAN	
	JAMES S. STIER	
	BEN A. EISBART	
	DONALD J. SCHMIDT	

CONCURRED IN _____

SANDRA E. KENNEDY
CITY CLERK

The City of Fort Wayne

December 26, 1985

Ms. Trudy Sterling
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Sterling:

Please give the attached full coverage on the dates of December 30, 1985 and January 6, 1986, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council of Fort Wayne, IN.

Bill No. S-85-08-26
(as amended) (as amended)
(as amended)

Special Ordinance No. S-185-85

Please send us 4 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy

Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 1

CHAPTER 17 - Fort Wayne City Code

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ARTICLE I. IN GENERAL

Sec. 17-1. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Alley. A right-of-way other than a street, road, crosswalk or easement, designed for the special accommodation of the property it reaches.

Authorized emergency vehicle. Vehicles of the fire department, police department, and such ambulances and other vehicles having a public emergency use as are authorized and designated by the board of public safety.

Bicycle. Any foot-propelled vehicle, irrespective of the number of wheels in contact with the ground.

Business district. The territory contiguous to and including a street when fifty (50) per cent or more of the frontage thereon for a distance of five hundred feet or more is occupied by buildings in use of business.

Central business district. All streets and portions of streets within the area described in schedule 1 maintained on file in the office of the traffic engineer.

Crosswalk:

(1) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs from the edges of the traversable roadway.

(2) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings.

Curb loading zone. A space adjacent to a curb, or lateral boundary line of a roadway, reserved for the exclusive use of vehicles while loading or unloading passengers or materials.

Driver. Every person who drives or is in actual physical control of a vehicle.

Firefighter. Any active member of the Fort Wayne Fire Department, excluding those members who are assigned to the department of traffic engineering and/or the communications department of the City of Fort Wayne, Indiana, and excluding also those former members who are on the retired list of the Fort Wayne Fire Department.

Freight curb loading zone. A curb loading zone reserved for the exclusive use of vehicles while loading or unloading freight.

Intersection:

(1) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two streets which join one another at an angle.

(2) Where a street includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided street by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting street also includes two roadways thirty feet or more apart, then every crossing of two roadways of such street shall be regarded as a separate intersection.

Laned roadway. A roadway which is divided into three or more clearly marked lanes for vehicular travel.

Moped/Motorized Bicycle: A bicycle with operable pedals which may be propelled by human power or by an internal combustion engine or battery powered motor, or by both, and when powered by an internal combustion engine having a rating of no more than one and five-tenths (1 5/10) brake horsepower and a cylinder capacity not exceeding fifty (50) cubic centimeters, an automatic transmission, and a maximum design speed of no more than twenty-five (25) miles per hour on a flat surface.

Motorcycle. Every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

Motor vehicle. Every vehicle which is self propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

Official traffic control devices. All signs, signals, markings and devices not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

Park. The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.

Passenger curb loading zone. A curb loading zone reserved for the exclusive use of vehicles while loading or unloading passengers.

Pedestrian. Any person afoot.

Police officer. Every member of the police department of this city, or any person specifically authorized by the board of public safety to direct or regulate traffic or to make arrests for violations of traffic regulations.

Preferential intersection. An intersection where traffic entering on one street is required to yield the right-of-way to traffic entering upon the other street when proper signs are erected as provided in this chapter.

Private road or driveway. Every way or place in private ownership and used for vehicular travel by he owner and those having express or implied permission from the owner, but not by other persons.

Railroad. A carrier of persons or property upon cars, other than street cars, operated upon stationary rails.

Railroad train. An engine, whether powered by steam, gasoline, electric, diesel or other type motor, with or without cars coupled thereto, operated upon rails.

Residence district. The territory contiguous to and including a street not comprising a business district, when the property on such street for a distance of five hundred feet or more is in the main improved with residences or residences and buildings in use for business.

Right-of-way. A general term denoting land, property or interest therein, usually in a strip of land acquired for or devoted to the construction of a highway, road, or street that will include the travelled way, shoulders, roadsides, auxiliary lanes, medians, border areas, park strips, sidewalks, curbs, gutters, and frontage roads.

Roadway. That portion of a street improved, designed or ordinarily used for vehicular travel. In the event a highway includes two or more separate roadways, the term roadway as used herein shall refer to any such roadway separately but not to all such roadways collectively.

Safety zone. The area or space set apart within a roadway by the board of public safety for the exclusive use of pedestrians and which is structurally protected, or is so marked, or is so indicated by adequate signs as to be plainly visible at times.

Sidewalk. That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

Stop. Complete cessation of movement.

Stop intersection. An intersection where traffic on one street is required by law to stop before entering or crossing the same when stop signs are erected as provided in this chapter.

Stop, stopping or standing. Any stopping or standing of a vehicle whether occupied or not, except when necessary to avoid conflict with traffic or in compliance with the direction of a police officer or traffic control sign or signal.

Street or highway. The entire width between the boundary lines of every way publicly maintained, except alleys, when any part thereof is open to the use of the public for purposes of vehicular travel.

Through street. Every street or portion thereof at the entrance to which vehicular traffic from intersecting streets or highways is required by law to yield the right-of-way to vehicles on such through street or highway, in obedience either to a stop sign or a yield sign, when such signs are erected as provided in this chapter.

Traffic. Pedestrians, ridden or herded animals, vehicles and other conveyances, either singly or together, while using any street for purposes of travel.

Traffic control signal. Any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.

Traffic division. The traffic division of the police department of this city.

Vehicle. Every device in, upon or by which any person or property is or may be transported or drawn upon a street, except devices moved by human power or used exclusively upon stationary rails or tracks.

Yield intersection. An intersection where traffic entering on one street is required to slow down to a speed reasonable for existing conditions, or stop if necessary before entering or crossing the same, when "Yield" signs are erected as provided in this chapter. (Ord. 2726, Sec. 1; Ord. G-15, Sec. 1,2.)

For state law as to definitions relative to highway traffic, see IC 1971, Sec. 9-1-2-1 et seq. As to definitions relative to registration and licensing of vehicles, see IC 1971, Sec. 9-1-1-2 et. seq.

Sec. 17-2. Effect of chapter.

This entire chapter shall be deemed and construed to an exercise of the police powers of this city for the preservation and protection of public safety, and all of its provisions shall be liberally construed with a view to the effectuation of such purpose. (Ord. 2726, Sec. 1)

ARTICLE II. ADMINISTRATION OF ENFORCEMENT OF CHAPTER.

Division 1. Generally

Sec. 17-3. Required obedience to traffic regulations.

It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this chapter or to counsel, aid or abet therein. (Ord. 2726, 1.)

Sec. 17-4. Board of public safety.

(a) The board of public safety, by and with the written advice of the city traffic engineer, is empowered:

(1) To make regulations necessary to make effective the provisions of this chapter.

(2) To make regulations to carry out its delegated authority hereunder.

(3) To make temporary or experimental regulations to cover emergency or special conditions. No such temporary or experimental resolution shall remain in force for more than sixty days plus one additional sixty-day extension or written confirmation by the board of public safety; and, or resolution of the common council, one further extension of thirty days may be provided; nor shall the streets, alleys, public ways, or territories designated in a temporary or experimental regulation be subject to an extension of the same temporary or experimental regulation or one substantially the same or similar thereto, with respect to locale, other than as provided in this section without the consent and approval of the common council. All regulations of the board of public safety shall be adopted by such board by formal resolution, which resolution shall recite the written advice of the city traffic engineer, and the provision of this chapter to be made effective by such regulation, the section of

this chapter under which delegated authority is carried out or the emergency or special condition requiring the temporary or experimental regulation provided therein, as the case may be. Every such resolution shall be permanently enrolled and recorded by such board in a special, permanently bound book provided by such board for such purpose, which book shall be open to public inspection. Copies of each such resolution and written confirmation of any extension, duly certified by the secretary of such board, shall be delivered to the city traffic engineer, chief of police, city attorney, city clerk and the president of the city council, respectively, within forty-eight hours after the adoption thereof. Any resolution of the common council granting an extension thereof delivered to the city traffic engineer, chief of police, city attorney and the president of the city council, respectively, within forty-eight hours of the grant of any such extension.

(b) The Board of Public Works and Safety shall have the authority to:

(1) Place and maintain traffic control signs, signals and devices when and as required to make effective the provisions of this chapter or other traffic ordinances of this city, or to facilitate the movement or promote the safety of traffic at an intersection, and to place and maintain such additional traffic control devices as it may deem necessary to regulate traffic under state law or to warn traffic, subject to the provisions of section 17-5 (b) of this chapter as to traffic control signals.

(2) Authorize or designate authorized emergency vehicles as defined in section 17-1.

(3) Establish play streets in accordance with section 17-61.

(4) Establish speed zones in parks in accordance with section 17-40.

(5) Designate "yield" intersections in accordance with section 17-52.

(6) Determine angle parking locations in accordance with section 17-77.

(7) Restrict parking at schools in accordance with section 17-86.

(8) Restrict parking near intersections in accordance with section 17-87.

(9) Designate curb loading zones in accordance with section 17-102.

(10) Designate bus and taxi stands in accordance with section 17-105. (Ord. 2726, 1; Ord. G-55, 1; Ord. G-15-68, 1.)

Sec. 17-5. City traffic engineer.

(a) The office of city traffic engineer is hereby established. The city traffic engineer shall be appointed by the mayor and shall exercise the powers and duties provided in this chapter. He shall have such assistants and staff as shall be determined by the Board of Public Works and Safety with the approval of the mayor.

(b) It shall be the general duty of the city traffic engineer to determine the need for the installation of and the proper time and timing of traffic control devices, including traffic control signals on through streets duly established by ordinance pursuant to this chapter, other than state or federal highways; to install and maintain such traffic control devices, to conduct engineering analysis of traffic accidents and to devise remedial measure therefore, to conduct engineering investigations of traffic conditions and to cooperate with other city officials in the development of ways and means to improve traffic conditions and to carry out the additional powers and duties imposed by ordinances of this city; provided, that no automatic traffic control device shall be installed until approved by resolution of the common council of the city.

(c) It shall be the particular duty of the city traffic engineer to:

(1) Designated crosswalks, safety zones, and mark traffic lanes in accordance with section 17-63.

(2) Place turn markers, buttons or signs in accordance with section 17-42.

(3) Determine turn restrictions in accordance with section 17-43.

(4) Devise one-way streets and alleys in accordance with section 17-46.

(5) Erect stop signs on through streets in accordance with section 17-49.

(6) Determine angle parking locations in accordance with section 17-77. (Ord. 2726, 1; Ord. G-09-68, 1; Ord. G-15-68, 2; Ord. G-25-68, 1)

Division 2. Penalties and Procedures on Arrest

Sec. 17-6. Penalties.

(a) Unless another penalty is expressed provided by law, every person convicted of a violation of any provision of this chapter shall be punished by a fine of not more than one thousand dollars ($1,000.00). (Ord. 2726, 1; Ord. No. G-37-77,1; 9-27-77; Ord. No. S-59-82, 3, 4-13-82).

(b) There is hereby established the following schedule of penalties for violations of the following provisions of chapter 17 of the Code of the City of Fort Wayne, Indiana of 1985.

(1) Section 61: If the violator appears in response to a notice affixed to such motor vehicle within a period of 14 calendar days from the date and time shown on said notice affixed to such motor vehicle, the penalty shall be $5.00. If the violator fails to appear in response to a notice affixed to such motor vehicle within 14 calendar days from the date and time shown on said notice affixed to such motor vehicle the penalty shall be $10.00.

(2) Sections 52, 65, 42 (15), 38, & 42: If the violator appears in response to a notice affixed to such motor vehicle within a period of 14 calendar days from the date and time shown on said notice affixed to such motor vehicle, the penalty shall be $10.00. If the violator fails to appear in response to a notice affixed to such motor vehicle within 14 calendar days from the date and time shown on said notice affixed to such motor vehicle the penalty shall be $20.00.

(3) Sections 42 (a)(1), 42 (a)(5), 42 (14), 42 (a)(4), 43, 48 (c), & 69.5 (c): If the violator appears in response to a notice affixed to such motor vehicle within a period of 14 calendar days from the date and time shown on said notice affixed to such motor vehicle, the penalty shall be $20.00. If the violator fails to appear in response to a notice affixed to such motor vehicle within 14 calendar days from the date and time shown on said notice affixed to such motor vehicle the penalty shall be $40.00.

Sec. 17-7. Forms for notices of arrest or appearance.

The city clerk shall proved, in triplicate, suitable, serially numbered forms for notifying violators to appear and answer to charges of violating this chapter and other laws and ordinances of this city. Such forms shall be issued to and receipted for by the chief of police or other person acting for him. The city clerk shall each month report to the mayor the disposal made by the police of all triplicate forms issued to them. For this purpose the city clerk or representitive shall have access to the necessary recoreds of the police department. These reports shall be public record. (Ord. 2726, 1)

Sec. 17-8. Procedure upon arrest.

Except when authorized or directed under the state law to immediately take a person arrested for a violation of any traffic law before a magistrate, any police officer, upo making an arrest for violation of the state traffic laws, this chapter or other traffic ordinances of this city, shall take the name, address and operator's license number of the alleged violator and the registered number of the motor vehicle involved, shall issued to him in writing, on the form provided by the city clerk, pursuant to section 17-7, a notice to answer to the charge against him at a place and at a time at least five (5) days after such arrest to be specified in the notice and forthwith release the person arrested from custody. The officer shall send one copy of such notice to the capain of the traffic division and one copy to the traffic violations bureau. (Ord. 2726, 1)

Sec. 17-9. Failure to obey notice or summons.

Any person who fails to appear in response to the notice provided in section 17-8 is guilty of a misdemeanor, regardless of the disposition of the charge for which he

Sec. 17-10. Notice of illegaly parked vehicles.

Whenever any motor vehicle driver is found parked, standing or stopped in violation of any of the restrictions imposed by this chapter or other ordinace of this city, or state law, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its owner, and shall conspicuously affix to such vehicle a notice in writing, on the form provided by the city clerk pursuant to section 17-7, for the driver to answer to the charge against him within forty-eight (48) hours. The officer shall send one copy of such notice to the captain of the traffic division. (Ord. 2726, 1)

Sec. 17-11. Failure to comply with notice attached to parked vehicle.

If a violator of the restrictions on stopping, standing or parking under this chapter or other traffic laws or ordinances does not appear in response to a notice affixed to such motor vehicle within a period of forty-eight hours, the traffic violations bureau shall send to the owner of the motor vehicle to which the notice was affixed a letter informing him of the violation and warning him that in the event such violator continues to disregard the notice, a complaint will be filed and warrant for arrest issued. The sending of such letter shall not be deemed jurisdictional. (Ord. 2726, 1)

Section 17-12. Presumption in reference to illegal parking.

In any prosecution charging a violation of any law or regulation governing the stopping, standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such law or regulation, together with proof that the defendant named in the complaint was at the time of such stopping, standing or parking the registered owner of such vehicle shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who stopped, placed or parked such vehicle at the point where, and for the time during which such violation occurred. (Ord. 2726, 1.)

Sec. 17-13. When complaint to be issued.

In the event any person fails to comply with a notice given to such person or attached to a vehicle pursuant to sections 17-8 or 17-9, respectively, or fails to make appearance pursuant to a summons directly an appearance in the violations bureau, the city clerk shall forthwith have a complaint entered against such person and secure and issue a warrant for his arrest. (Ord. 2726, 1.)

ARTICLE II. ENFORCEMENT OF AN OBEDIENCE TO TRAFFIC REGULATIONS

Sec. 17-14. Authority of police officers; authority of members of fire department to assist police at fire.

(a) It shall be the duty of the officers of the police department of this city to enforce all street traffic laws of this city and all state vehicle laws applicable to street traffic in this city.

(b) Officers of the police department of this city are hereby authorized to direct all traffic in conformance with all traffic laws and regulations; provided, that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department shall direct traffic as conditions may require, notwithstanding the provisions of the traffic laws and regulations.

(c) Members of the fire department, when at the scene of a fire, may direct or assist the police in directing the traffic thereat or in the immediate vicinity thereof. (Ord. 2726, 1.)

Sec. 17-15. Obedience to police and fire department officials.

No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer or fire department official. (Ord. 2726, 1.)

Sec. 17-16. Persons propelling pushcarts or riding animals to obey traffic regulations.

Every person propelling any pushcart or riding an animal upon a street, and every person driving any animal drawn vehicle shall be subject to the provisions of this chapter applicable to the driver of any vehicle, except those provisions of this chapter which by their very nature can have no application. (Ord. 2726, 1.)

Sec. 17-17. Use of coasters, roller skates and similar devices restricted.

No person upon roller skates or riding in or by means of any coaster, toy vehicle, except licensed bicycles when operated in accordance with this chapter, or similar device shall go upon any roadway except while crossing a street on a crosswalk, and when so crossing, such person shall be granted all of the rights and shall be subject to all the duties applicable to pedestrians. This section shall not apply upon any street while set aside as a play street as authorized by this chapter. (Ord. 2726, 1.)

Sec. 17-18. Public employees to obey traffic regulations.

The provisions of this chapter shall apply to the driver of any vehicle owned by or used in the service of the United States government, this state, county, township, or this city, and it shall be unlawful for any such driver to violate any of the provisions of this chapter, except as otherwise permitted in this chapter or by state statutes. (Ord. 2726, 1.)

ARTICLE IV. OPERATION OF VEHICLES GENERALLY

Division 1. Generally

Sec. 17-19. When permits required for parades and processions.

No funeral procession or parade containing two hundred or more persons or fifty or more vehicles, excepting the forces of the United States Army or Navy, the military forces of this state, and the forces of the police and fire departments, shall occupy, march or proceed along any right of way except in accordance with a permit issued by the Board of Public Works and Safety, upon the approval by the Police department and Traffic Engineer and such other regulations as are set forth in this chapter which may apply. (Ord. 2726, 1.)

Sec. 17-20. Vehicles not to be driven on sidewalk.

The driver of a vehicle shall not drive in, on or across any sidewalk, except at a permanent or temporary driveway or alley. (Ord. 2726, 1.)

Sec. 17-21. Limitations on backing into intersection.

No driver of vehicle shall back such vehicle across any marked or unmarked crosswalk or into any intersection, nor shall be back such vehicle at any other place, unless such movement can be made with reasonable safety and without interfering with other traffic. (Ord. 2726, 1.)

Sec. 17-22. Limited access roadways.

No person shall drive a vehicle onto or from any limited access roadway, except at such entrances and exists as are established by public authority. (Ord. 2726, 1.)

Sec. 17-23. Boarding or alighting from vehicles.

No person shall board or alight from any vehicle when such vehicle is in motion. (Ord. 2726, 1.)

Sec. 17-24. Unlawful riding.

No person shall ride on any vehicle or upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty, or to persons riding within truck bodies in space intended for merchandise. (Ord. 2726, 1)

Sec. 17-25. Driving through safety zone prohibited.

No driver of a vehicle shall at any time drive through or

within a safety zone. (Ord. 2726, 1)

Sec. 17-26. Driving in alleys.

No driver of any vehicle shall drive into, on or through any alley or any portion thereof except for the purpose of going to or departing from a place or property abutting on the section or block of such alley which such driver has caused his vehicle to enter. When such driver is operating or driving such vehicle in, on or through any alley or portion thereof shall not exceed a speed of ten (10) miles per hour (mph). (Ord. 2726, 1.)

Division 2. Speed Regulations

Sec. 17-27. Applicability of state speed laws.

The laws of the state establishing or regulating speed limits for vehicles on public streets or highways shall apply to all public streets or highways within the city, except in the circumstances where, as properly authorized by state law, such limits have been increased or decreased by local authorities on the basis of an engineering and traffic investigation, which has determined such increase or decrease to be safe and reasonable. In such circumstances it shall be unlawful for any person to drive or operate a vehicle in excess of any speed so determined, when signs are in place giving notice thereof. An alphabetical listing of each city street, highway or portion thereof, upon which the speed limit has been increased or decreased by local authorities of the city, as herein authorized, shall be compiled by the city traffic engineer and shall be known as the "Fort Wayne Speed Limits," who shall make such listing available for public inspection. All changes in such listing by the city traffic engineer or other local authority as herein authorized shall be promptly attached to such listing. For convenience purposes, the traffic engineer may forward a certified copy of such listing, and any subsequent changes, to the court that hears and/or adjudicates violations of local speeding ordinances. (Ord. 2726, 1; Ord. No. S-59-82, 2, 4-13-82)

Sec. 17-28. Increasing state speed limits in certain zones.

It is hereby determined upon the basis of an engineering and traffic investigation that the speed permitted by state law upon those streets or portions thereof described in schedule 2, maintained on file in the office of the traffic engineer, is less than is necessary for safe operation of vehicles thereon by reason of the designation and signposting of such streets as through highways, or by reason of widely spaced intersections, and it is hereby declared that the prima facie speed limit upon those streets or portions thereof described in schedule 2, maintained on file in the office of the traffic engineer, shall be as therein stated, which speeds so declared shall be effective at the time specified therein when signs are erected giving

notice thereof. (Ord. 2726, 1)

Sec. 17-29. Speed limits in public parks.

A speed limit of twenty-five miles per hour shall be declared the prima facie limit upon all streets and roads of the city park system; provided, that at or near hazardous or congested locations, a speed limit less than that specified in this section may be established, and traffic speed control devices installed, when deemed necessary at the discretion of the department of public parks. (Ord. 2726, 1; Ord. G-70, 1)

Division 3. Turns

Sec. 17-30. Limitations on turning around.

No driver of any vehicle shall turn such vehicle so as to proceed in the opposite direction, herein otherwise referred to as a U turn, upon any street in a business district and shall not upon any other street so turn a vehicle unless such movement can be made in safety and without interfering with other traffic or where properly posted by uniform traffic control sign. (Ord. 2726, 1.)

Division 4. Through Streets, Stop Intersections and Yield Intersections

Sec. 17-31. Through streets designated.

Those streets and parts of streets described in schedule 4, maintained on file in the office of the traffic engineer, are hereby declared to be through streets for the purposes of this division. (Ord. 2726, 1.)

Sec. 17-32. Stop signs - Authority to erect.

Whenever this chapter or any ordinance of this city designates and describes a stop intersection or through street, it shall be the duty of the city traffic engineer to place and maintain a stop sign on each street intersecting that portion thereof described and designated in schedules 4 and 5, maintained on file in the office of the traffic engineer, as such by this chapter or any ordinance of this city. (Ord. 2726, 1.)

ARTICLE V. TRAFFIC CONTROL SIGNALS AND DEVICES

Sec. 17-33. When traffic devices required for enforcement purposes.

No provision of this chapter for which signs are required

shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place. (Ord. 2726, 1.)

Sec. 17-34. Play streets - Authority to establish.

The Board of Public Works and Safety shall, by resolution adopted in accordance with section 17-4 and upon the written request of the traffic engineering department of the city, have authority to declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same. (Ord. 2726, 1; Ord. G-23-68, 1.)

Sec. 17-35. Same - Operation of vehicles.

Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then any such driver shall exercise the greatest care in driving upon any such street or portion thereof. (Ord. 2726, 1.)

Sec. 17-36. City traffic engineer to designate crosswalks, establish safety zones and mark traffic lanes.

The city traffic engineer is hereby authorized:

(a) To designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where in his opinion there is particular danger to pedestrians crossing the roadway, and at such other places as he may deem necessary.

(b) To establish safety zones of such kind and character and at such places as he may deem necessary for the protection of pedestrians.

(c) To mark lanes for traffic on street pavements or at such places as he may deem advisable, consistent with this chapter or other traffic ordinances of the city. (Ord. 2726, 1.)

ARTICLE VI. STOPPING, STANDING OR PARKING.

Division 1. Generally

Sec. 17-37. Stop when traffic obstructed.

No driver of a vehicle shall enter an intersection or a marked crosswalk unless and until there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed. (Ord. 2726, 1.)

Sec. 17-38. Standing or parking close to curb.

No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of a lawful traffic movement and with the right hand wheels of the vehicle on a two-way street and the right hand or left hand wheels of the vehicle on a two-way street and the right hand or left hand wheels of a vehicle on a one-way street within twelve inches of the curb or edge of the roadway, except as otherwise provided in this article. No person shall stand or park a vehicle in addition to the foregoing except on or in an authorized area for the purpose of parking or standing of vehicles in any city park; provided, that in no event shall any part or portion of the vehicle, except bicycles be permitted to extend over the outer edge of any curb or roadway or touch any utility, light, traffic device pole, trees or lawn at any time; provided, that this section shall not be deemed to apply to utility, signal and street repair vehicles and park maintenance vehicles when the necessary performance of their primary function requires otherwise. (Code 1946, c. 31, 110; Ord. G-124-71, 1.)

Sec. 17-39. Signs or markings indicating angle parking.

(a) The city traffic engineer shall determine upon what streets angle parking shall be permitted and shall, upon the approval of the Board of Public Works and Safety, by resolution adopted in accordance with section 17-4 mark or sign such streets, but such angle parking shall not be established upon any federal aid or state highway within this city unless the state highway department has determined by resolution or order entered in its minutes, a copy of which is received by the city clerk and certified by him to the Board of Public Works and Safety, that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(b) Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive upon the left-hand side of a two-way street. (Ord. 2726, 1.)

Sec. 17-40. Obedience to angle parking signs or markings.

Upon those streets which have been signed or marked by the city traffic engineer for angle parking under the provisions of section 17-39 no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings. (Ord. 2726, 1.)

Sec. 17-41. Permit for backing to curb for purpose of loading or unloading.

(a) The chief of police or an officer designated by him is authorized to issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of the property to be served or to the owner of the vehicle involved, shall be limited to one particular place and one particular occasion or day, and shall grant to such person the privilege as therein stated and authorized herein; and it shall be unlawful for any permittee or other person to violate any of the special terms of conditions of any such permit.

(b) Notwithstanding the existence of a curb loading zone, no driver shall back a vehicle against a curb to load or unload unless the driver of the vehicle holds a permit issued by the chief of police granting him such privilege, and such permit shall be either in the possession of the driver or on the vehicle at the time such vehicle is backed against the curb to take on or discharge a load, and it shall be unlawful for any owner or driver to violate any of the special terms or conditions of any such special permit. (Ord. 2726, 1.)

Sec. 17-42. Parking prohibited in specified places.

(a) No person shall park a vehicle except when necessary to avoid conflict with other traffic or in compliance with law or the direction of a police officer or traffic control device in any of the following places:

(1) On a sidewalk or otherwise between the curb lines or lateral lines of any roadway and the adjacent property lines.

(2) Within 5 feet of a public or private driveway and/or alley.

(3) Within an intersection.

(4) Within fifteen feet of a fire hydrant.

(5) On a crosswalk.

(6) Within twenty feet of a crosswalk at an intersection.

(7) Within 30 feet upon the approach to any flashing beacon, stop sign, yield sign, or traffic control

signal located at the side of the roadway or located overhead in some fashion.

(8) Between a safety zone and the nearest curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless the city traffic engineer has indicated a different length by signs or markings.

(9) Within fifty feet of the nearest rail of a railroad crossing.

(10) Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance of any fire station within seventy-five feet of such entrance, when properly signposted.

(11) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.

(12) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.

(13) Upon any bridge or other elevated structure upon a highway or within a highway tunnel.

(14) At any place where official signs prohibit parking.

(15) Upon any street for any period of time longer than twenty-four (24) continuous hours, except on Saturdays, Sundays and holidays; provided, that this section shall not be deemed to apply to utility, signal and street repair vehicles when necessary performance of their primary function requires otherwise.

(16) Upon any portion of residential property other than in a driveway, or as otherwise permitted upon the street or alley adjacent to said residential real estate.

(b) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

(c) The only vehicles to be permitted to be parked in residential districts in the city shall be:

(1) Operable automobiles, vans and motorcycles, and no such automobiles, van or motorcycles shall be parked other than in the driveway, street or alley of

said residential districts.

(2) Operable recreational vehicles, campers, boats and small (one-ton, panel or pick-up) trucks which shall only be parked in the driveway or alley of said residential districts but not in the street.

(d) The following vehicles will not be permitted to be parked in said residential districts: semitrucks, trucktractors, farm tractors, road tractors, semitrailer, pull-trailers, or other commercial vehicles; school buses, church buses, or inoperable automobiles, vans, motorcycles, recreation vehicles, campers, boats and trucks.

(e) Permitted and prohibited parking in residential districts is summarized as follows:

Parking of Vehicles in Residential Districts

	Driveway	Street	Alley	*Yard
17-42(c)(1):				
Operable automobiles	Yes	Yes	Yes	No
Operable vans	Y	Y	Y	N
Operable motorcycles	Y	Y	Y	N
17-42(c)(2):				
Operable recreational vehicles	Y	Y	Y	N
Operable campers, boats	Y	N	Y	N
Operable small (one-ton, panel or pickup) trucks	Y	N	Y	N
17-42(d):				
Inoperable automobiles	N	N	N	N
Inoperable vans	N	N	N	N
Inoperable motorcycles	N	N	N	N
Inoperable recreational vehicles	N	N	N	N
Inoperable campers, boats	N	N	N	N
Inoperable small (one-ton, panel or pick-up) trucks	N	N	N	N
17-42(d):				
Operable or inoperable semitrucks	N	N	N	N
Operable or inoperable truck-tractors	N	N	N	N
Operable or inoperable farm tractors	N	N	N	N
Operable or inoperable road tractors	N	N	N	
Operable or inoperable				

semitrailers	N	N	N	N
Operable or inoperable pull trailers	N	N	N	N
Operable or inoperable other commercial vehicles	N	N	N	N
Operable or inoperable school buses	N	N	N	N
Operable or inoperable church buses	N	N	N	N

*Yard includes back, sides, parkways, and curb/parkway overlap

(f) The prohibition against parking of operable automobiles, vans or motorcycles other than in driveways, streets or alleys in residential districts in violation of sections 17-42-(a)(16) and 17-42(c)(1) and the prohibition of all inoperable vehicles and all other operable or inoperable commercial vehicles from being parked in the driveway, alley or yard of a residential district in violation of section 17-42(d) shall be enforced by the Board of Public Works and Safety of the city. All other violations of section 17-42 shall be enforced by the police department of the city. (Ord. 2726, 1; Ord. 2737, 1; Ord. 2755, 1; Ord. G-88-70, 1; Ord. No. G-15-84, 1, 7-24-84)

Sec. 17-43. Parking not to obstruct traffic.

No person shall park any vehicle upon a street in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway unobstructed for the free movement of vehicular traffic. (Ord. 2726, 1)

Sec. 17-44. Parking in alleys.

No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic, except while loading or unloading, and no person shall stop, stand or park a vehicle within an alley in such positions as to block the driveway entrance to any abutting property. (Ord. 2726, 1)

Sec. 17-45. All-night parking prohibited.

No person, except physicians on emergency calls, shall park a vehicle between the hours of 2:00 a.m. and 6:00 a.m. on the days and streets or sides of streets described in schedule 6 maintained on file in the office of the traffic engineer. (Ord. 2726, 1)

Sec. 17-46. Parking for certain purposes prohibited.

No person shall park a vehicle upon any roadway for the principal purpose of:

(a) Displaying such vehicle for sale or for the primary purpose of advertising any product or thing whatsoever.

(b) Greasing or repairing such vehicle, except repairs necessitated by an emergency. (Ord. 2726, 1; Ord. 2750, 1)

Sec. 17-47. Parking adjacent to schools.

(a) The Board of Public Works and Safety, by resolution adopted in accordance with section 17-4 is hereby authorized to restrict parking upon that side of any street adjacent to any school property for the period of time when, in its opinion, parking would interfere with traffic or create a hazardous situation.

(b) When official signs are erected under the provisions of this section, indicating no parking upon that side of a street adjacent to any school property, no person shall park a vehicle in any such designated place. (Ord. 2726, 1)

Sec. 17-48. Stopping, standing or parking near hazardous or congested places.

(a) The Board of Public Works and Safety, by resolution adopted in accordance with Sec. 17-4, is hereby authorized to determine, and have designated by proper signs, places not exceeding one hundred and fifty (150) feet in length in which the stopping, standing or parking of vehicles would create a hazardous condition or would cause unusual delay in traffic.

(b) When official signs are erected at hazardous or congested places under the provisions of this section, no person shall stop, stand or park a vehicle in any such designated place. (Ord. 2726, 1)

(c) "Fire Lanes". When a fire lane has been designated, all vehicles parked in said fire lane can be ordered to be removed and/or towed by either the fire department or police department as described in schedule 29 on file of the Traffic Engineer.

Sec 17-48.1. Fines for residential illegal parking.

Any person, violating any provision of Section 17-42 (a)(16), 17-42(c)(1), 17-42 (c)(2), 17-42(d), 17-42(e), 17-42(f) & 17-70, this article outlined herein under the jurisdiction of the Board of Public Works and Safety shall be immediately fined, without prior notice, as follows:

Inoperable and/or abandoned vehicles	$50.00
Illegal vehicles in residential area	$25.00
Operable vehicles in yard	$25.00

Each and every day such violation is committed or is permitted to continue shall constitute a separate offense and shall be punishable as such. All fines shall be payable to the Violations Bureau located in the Office of the City Clerk of Fort Wayne, Indiana.

Sec. 17-49. Applicability of division.

The provisions of this division prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified and as indicated on official signs, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device. (Ord. 2726, 1.)

Sec. 17-50. Regulations not exclusive.

The provisions of this division imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times or under specified conditions. (Ord. 2726, 1.)

Sec. 17-51. Parking prohibited at all times on certain streets.

When signs are erected pursuant to this division giving notice thereof, no person shall park a vehicle at any time upon any of the streets described in schedule 7, maintained on file in the office of the traffic engineer. (Ord. 2726, 1.)

Sec. 17-52. Parking prohibited during certain hours on certain streets.

When signs are erected in each block pursuant to this division giving notice thereof, no person shall park a vehicle between the hours specified in schedule 8, maintained on file in the office of the traffic engineer, of any day except Sundays and holidays within the district or upon any of the streets described in schedule 8. (Ord. 2726, 1.)

Sec. 17-53. Stopping, standing or parking prohibited during certain hours on certain streets.

When signs are erected in each block pursuant hereto giving notice thereof, no person shall stop, stand or park a vehicle between the hours specified in schedule 9, maintained on file in the office of the traffic engineer, of any day except Sundays and holidays within the district or upon any of the streets described in schedule 9. (Ord. 2726, 1.)

Sec. 17-54. Parking time limited on certain streets.

(a) One-hour parking. When signs are erected in each block pursuant to this division giving notice thereof, no person shall park a vehicle for longer than one hour at any time between the hours of 8:00 A.M. and 6:00 P.M. of any day except Sundays and holidays within the district or upon any of the streets described in schedule 10, maintained on file in the office of the traffic engineer.

(b) Ninety-minute parking. When signs are erected in each block pursuant to this division, giving notice thereof, no

person shall park a vehicle for longer than ninety minutes at any time between the hours of 8:00 A.M. and 6:00 P.M. of any day except Sundays and holidays within the district or upon any of the streets described in schedule 11, maintained on file in the office of the traffic engineer.

(c) Two-hour parking. When signs are erected in each block pursuant to this division giving notice thereof, no person shall park a vehicle for longer than two hours at any time between the hours of 8:00 A.M. and 6:00 P.M. of any day except Sundays and holidays within the district or upon any of the streets described in schedule 12, maintained on file in the office of the traffic engineer.

(d) Three-hour parking. When signs are erected in each block pursuant to this division giving notice thereof, no person shall park a vehicle for longer than three hours at any time between the hours of 8:00 A.M. and 6:00 P.M. of any day except Sundays and holidays within the district or upon any of the streets described in schedule 13, maintained on file in the office of the traffic engineer.

(e) Thirty-minute parking. When signs are erected in each block pursuant to this division giving notice thereof, no person shall park a vehicle for longer than thirty minutes at any time between the hours of 8:00 A.M. and 6:00 P.M. of any day except Sundays and holidays within the district or upon any of the streets described in schedule 14, maintained on file in the office of the traffic engineer. (Ord. 2726, 1.)

Sec. 17-55. Parking signs required.

Except as provided in section 17-42, whenever by this chapter or by any other ordinance of this city any parking time limit is imposed or parking is prohibited on designated street, it shall be the duty of the city traffic engineer to erect appropriate signs giving notice thereof, and no such regulation shall be effective unless such signs are erected and in place at the time of any alleged offense. (Ord. 2726, 1; Ord. 6-05-76, 1.)

Division 3. Metered Parking

Sec. 17-56. Definitions.

For the purposes of this division, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Parking meter. Any mechanical device or meter, not inconsistent with this division, placed or erected for the regulation of parking by authority of this division and indicating by proper legend thereon the legal parking time established for the parking meter space to which it is adjacent, the balance of the

legal parking time for such space and, at the expiration of such period, that the use of such space is illegal.

Parking meter area. The area or section within the city bounded by the boundaries of the city as duly established by law, and all the area, space, streets, avenues, roads, alleys, highways, lanes, paths and other public places and thoroughfares within the foregoing boundaries and inclusive of the above mentioned streets on both sides thereof.

Parking meter space. Any space within a parking meter zone, adjacent to a parking meter and duly designated for the parking of a single vehicle by lines painted or otherwise durably marked on the curb adjacent thereto or upon the surface of the street upon which the same is located.

Parking meter zone. Any street or portion of a street and any lot or portion of a lot upon which parking meter spaces are laid out and designated and parking meters installed. (Ord. 2726, 1; Ord. G-112-67, 1; Ord. G-110-71, 1.)

Sec. 17-57. Authority of Board of Public Works and Safety.

The Board of Public Works and Safety of the city is hereby authorized and empowered:

(a) To enter into any contract for rental, purchase, acquisition, installation, regulation, use, operation, maintenance, repair, servicing and supplying of parts and replacements for parking meters, as the same may be necessary to carry out its authority hereunder, and to provide payment therefor exclusively from the funds, receipts and revenues obtained by the city from the operation and use of such parking meters without in anywise obligating the city to pay for the same from funds derived from any other sources, and to do any and all things or acts necessary and appropriate to carry out and place in effect the purposes and intent of this division, including the determination and establishment of the specifications to be required in the purchase, lease or other acquisition of parking meters.

(b) Within the parking meter area only, and upon the advice of the traffic engineer, to locate, determine and establish parking meter zones and parking meter spaces within such zones; provided, that such parking meter spaces shall be designated and marked out or caused to be marked out by such board by lines or marks painted or durably marked on the curbing or surface of the street about or alongside of each parking meter space for which a parking meter is to be installed and placed in use and within which lines each vehicle using such space shall park; provided, that in no event shall any parking meter zone or parking meter space be established in, upon or along any taxi stand, bus stop, loading zone or the farmer's and producer's retail market on Barr Street in this city or the portion of any street upon which parking is completely prohibited under and by

virtue of this chapter or any other ordinances of this city or of the state; except, that as to loading zones such parking meter zones and parking meter spaces may be designated and established for use beginning with the end of the designated period for which such space or zone is set aside for loading purposes only and up to the time when such use again begins, and except, that as to the farmer's and producer's retail market on Barr Street in this city, such spaces may be designated and established for use during times other than duly established market hours.

(c) To determine and establish the size and measurements of parking meter spaces.

(d) To install and place parking meters upon the curb, sidewalk or space adjacent to and alongside of or near each parking meter space established and marked out or caused to be marked out by such board; provided, that each parking meter shall be installed and placed so as to show or display a signal that the parking meter space alongside of or adjacent to it is or is not in use and showing lawful parking and use of such parking meter space upon the deposit of the appropriate coins, lawful money of the United States of America, therein for the period of time prescribed as the parking limit established therefor and so as to indicate, upon the expiration of the lawful parking period or time limit, a proper visible signal that lawful parking has expired.

(e) To determine, subject to approval by the common council of the city, by resolution duly adopted, the license fee to be charged and collected through and by use of the parking meter for each particular parking meter zone and parking meter space designated and marked out by such board and for which a parking meter is installed; provided, that the maximum time limit for which such parking meter space may be used by payment of such license fee through the deposition of coin or coins in such parking meter shall be as prescribed by section 17-55 and the schedules referred to therein or made a part thereof and by any amendments, changes or additions thereto hereafter duly enacted.

(f) To employ individual persons to carry out the enforcement of the parking limitations in the parking meter zones and to perform the duty of removing from parking meters the coins deposited in such meters and to deliver such coins to the city controller, who shall count them and deposit the same with the city treasurer in the special fund designated in section 17-61. Any individual person so employed by the Board of Public Works and Safety shall be paid by it at rates determined by the board of public works and approved by the common council of the city, out of such special fund. The Board of Public Works and Safety of the city shall deputize such individual person as special police, whereupon such individual person shall have the power and authority to prepare, sign and deliver or post notices of

violation of any parking limitations in any parking meter zone or parking meter space in accordance with the provisions of this chapter. Every such person shall furnish a bond in the penal sum of five thousand dollars conditioned upon his faithful performance of his duties hereunder, which bond shall run in favor of the city. (Ord. 2726, 1.)

Sec. 17-58. Duty of driver to deposit coin.

Except in any period of emergency determined by an officer of the fire or police departments of this city, or in compliance with the direction of a police officer or a traffic control sign or signal of this city or of the state, when any vehicle shall be parked in any parking meter space, the driver of such vehicle shall, upon entering such parking meter space, immediately deposit or cause to be deposited in the parking meter adjacent thereto such proper coin of the United States of America as is required for such parking meter as designated by direction thereon, and by regulation of the Board of Public Works and Safety approved by resolution of the common council of this city, and shall also set in operation the timing mechanism on such meter in accordance with the directions thereon. Upon the deposition of such coin and the setting of the timing mechanism in operation, such parking meter space may be lawfully occupied by such vehicle during the period of time prescribed therefor; provided, that any person placing a vehicle in a parking meter space adjacent to a meter which indicates that unused time has been left in such meter by the previous occupant of such space shall not be required to deposit a coin so long as his occupancy of such space does not exceed the unused time indicated on such meter. (Ord. 2726, 1.)

Sec. 17-59. Enforcement.

It shall be the duty of the police department, and parking control officers as appointed by the Board of Public Works and Safety of this city to enforce the provisions of this division. (Ord. 2726, 1.)

Sec. 17-60. Parking meter fund.

All license fees collected from parking meters as provided in this article shall be deposited by the city controller with the city treasurer to the credit of the city in a special fund to be known as the "parking meter fund", which such special fund shall be disbursed and paid out only under the orders and direction of the Board of Public Works and Safety for the following purposes only:

(a) The payment of the purchase price, rental fees and cost of installation of parking meters.

(b) The payment of the cost of maintenance, operation, repair and other incidental costs and expenses in the operation

of parking meters and parking meter zones and spaces, including incidental costs and expenses such as clerical and bookkeeping expense in the handling and keeping of records of fees collected and expended.

(c) The payment of the cost of traffic signal devices used in the city, and the repair and maintenance of any of the public streets and highways in such city where parking meters are in use and upon all streets connected therewith.

(d) The acquisition by lease or purchase of suitable land for off-street parking purposes, the improvement and maintenance of such land and the purchase, installation and maintenance of parking meters thereon. (Ord. 2726, 1.)

Sec. 17-61. Violations.

It shall be unlawful and a violation of the provisions of this division for any person:

(a) To cause, allow, permit or suffer any vehicle registered in the name of or operated by such person to be parked overtime or beyond the period of legal parking time established for the street or portion of a street upon which any parking meter zone or space is designated and marked out or caused to be marked out by the Board of Public Works and Safety of this city, or to deposit in any parking meter any coin for the purpose of parking beyond the maximum legal parking time for the particular parking meter zone or parking meter space or for the street or portion of a street upon which such zone or space is located.

(b) To permit any vehicle to remain or be placed in any parking meter space while the parking meter adjacent thereto is displaying a signal indicating that the vehicle occupying such parking meter space has already parked beyond the period prescribed for such space.

(c) To park any vehicle across any line or marking of a parking meter space or in such position that the vehicle is not entirely within the area designated by the lines or markings designating such parking meter space.

(d) To fail to deposit the proper coin required by the parking space in which any vehicle operated by such person is parked.

(e) To deface, injure, damage, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter installed under the provisions of this article.

(f) To deposit or cause to be deposited in any parking meter any slugs, device or metal substance or other substitute for lawful coins. (Ord. 2726, 1.)

Sec. 17-62. Fines (as amended)

(a) All violations outlined in divisions 1, 2 & 3 are considered separate and additional violations, each and every hour such violation occurs, unless otherwise specified in this chapter.

(b) All fines delinquent in payment for 14 calendar days or longer from the date of the violation will be double the original fine, unless otherwise specified in this chapter.

(c) A fine schedule shall be maintained in the office of the City Clerk.

Sec. 17-63. Records and reports of Board of Public Works and Safety.

The Board of Public Works and Safety of this city shall make due record in the journal of its proceedings of all parking meter zones, parking meter spaces, recommended license fees and other regulations adopted and actions taken by it pursuant to this division. Such board shall promptly forward to the common council of this city a certified copy of all such actions, minutes and regulations. Such board shall, annually during January of each year, prepare and file with the common council of this city a complete written report of all its doings and actions under and pursuant to the provisions of this division for and during the immediately prior calendar year. (Ord. 2726, 1.)

Division 4. Stopping for Loading and Unloading Only

Sec. 17-64. Board of Public Works and Safety to designate curb loading zones.

The Board of Public Works and Safety, by resolution adopted in accordance with section 17-4, is hereby authorized to determine the location of passenger and freight curb loading zones, and it shall have placed and maintained appropriate signs indicating the same and stating the hours during which the provisions of this section are applicable. (Ord. 2726, 1.)

Sec. 17-65. Stopping, standing or parking in passenger curb loading zone.

No person shall stop, stand or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone pursuant to section 17-66 during the hours when the regulations applicable to such curb loading zone are effective, and then only for a period not to exceed three (3)

minutes. (Ord. 2726, 1.)

Sec. 17-66. Stopping, standing or parking in freight curb loading zone.

No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pick-up and loading of materials in any place marked as a freight curb loading zone pursuant to section 17-64 during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed thirty (30) minutes. (Ord. 2726, 1; Ord. 2737, 1.)

Sec. 17-67. Board of Public Works and Safety to designate public carrier stands.

The Board of Public Works and Safety, by resolution adopted in accordance with section 17-4, is hereby authorized and required to establish bus stops and taxicab stands and stands for other passenger common carrier motor vehicles or passenger vehicles for hire on such public streets, in such places and such manner as it shall determine to be of the greatest benefit and convenience to the public, and every such bus stop, taxicab stand or other stand shall be designated by appropriate signs; provided, that no taxicab stand shall be designated for the particular use of any one company. (Ord. 2726, 1.)

Sec. 17-68. Parking of taxicabs regulated.

No driver of a taxicab shall park such vehicle upon any street in any business district at any place other than at a duly designated taxicab stand; except, that this provision shall not prevent the driver of any such vehicle from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaging in loading or unloading passengers. (Ord. 2726, 1.)

Sec. 17-69. Restricted use of bus and taxicab stands.

No person shall stop, stand or park a vehicle other than a common carrier of passengers vehicle in a bus stop, or other than a taxicab in a taxicab stand, when any such stop or stand has been officially designated pursuant to section 17-69 and appropriately signed; except, that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab in, departing from, waiting to enter or about to enter such zone. (Ord. 2726, 1.)

Division 5. Parking for Persons With Impaired Mobility*

Sec. 17-69.1. Definition.

"Impaired mobility person" as used in this division means a person who:

(1) Has permanently lost the use of at least one leg; or

(2) Is so severely permanently disabled as to be unable to move without the aid of crutches or a wheelchair; or

(3) Submits a signed statement on a city form from a physician, certified that such person is permanently disabled in a manner rendering it difficult and burdensome for such person to walk for an extended period of time. (Ord. No. G-18-83, 2, 6-28-83)

Sec. 17-69.2. Designated parking spaces authorized.

(a) The Board of Public Works and Safety is hereby empowered to designate space in city-owned parking lots and on city streets, including parking lots titled in the name of any city department, board, agency or commission, which shall be set aside for the exclusive use of impaired mobility persons. Such handicapped parking spaces shall be clearly and distinctly marked so as to indicate that such spaces are reserved for the use of impaired mobility persons. The number of designated parking spaces shall be in accordance with applicable state statutes.

(b) Private property owners and those residents who wish to participate under this division shall notify the city traffic engineering department in writing on city application form, of the number and specific location of each parking space to be designated for impaired mobility parking by September 1, 1983. Subsequent requests shall be submitted to city traffic engineering. After review of such designation by city traffic engineering and after approval by the Board of Public Works and Safety, such spaces shall be designated with the appropriate signs, as determined by city traffic engineering in accordance with the Indiana Manual on Uniform Traffic Control Devices. Only those signs that satisfy the requirement of the Indiana manual shall be enforced.

The private property owner shall be responsible for the cost of such sign at a price equivalent to the cost incurred by city's traffic engineering. In addition, the private property owner shall maintain such signs.

To facilitate participation by private property owners hereunder, the Board of Public Works and Safety shall cause an agreement to be prepared that will be executed by the city and participating private property owners, said agreement to be in conformance with IC 9-4-14-1 et seq. Private property owners shall allocate the appropriate number of designated restricted parking spaces in accordance with applicable state statutes and

Indiana construction rules.

(c) Where designated parking spaces are requested and needed on city streets, it shall be the responsibility of the petitioner to provide a petition signed by least fifty-one (51) per cent of the residents on both sides of the affected block of said street. Requests for the permanent placement of an approved sign shall be submitted in writing on city application form to the city traffic engineering department by September 1, 1983. Subsequent requests shall be submitted to the city traffic engineering department. After review of such request and approval by the Board of Public Works and Safety, such spaces shall be designated with appropriate signs. Purchase, installation and maintenance of the signs and posts shall be paid by the petitioner through city traffic engineering department. Only one permit will be granted to a resident or petitioner. (Ord. No. G-18-83, 3, 6-28-83)

Sec. 17-69.3. Application and permit.

(a) Any person for or on behalf of any impaired mobility person who does not have disabled veteran registration plate(s) or special registration plate(s) may file an application for a Fort Wayne impaired mobility parking permit with the city clerk. The application shall state the following:

(1) Name, address and telephone number of the impaired mobility person;

(2) A statement as to the fact that the applicant is an impaired mobility person within the meaning of section 17-71.1 and if section 17-71.1(3) applies, then applicant shall submit a signed statement from a physician certifying that such applicant is permanently disabled in a manner rendering it difficult and burdensome for such person to walk for an extended period of time.

(b) The permit, as issued, shall be portable and same shall be clearly displayed and visible in the windshield of the vehicle in question.

(c) The permit cost shall be one dollar ($1.00) payable to the city clerk which sum is charged to simply cover the cost of the city in issuing such permits. Such permits shall be valid as long as the applicant remains an impaired mobility person within the meaning of this division and at any time that such applicant is no longer an impaired mobility person an individual shall cease using such permit. (Ord. No. G-18-83, 4, 6-28-83.)

Sec. 17.69.4. Restricted parking.

No person shall stop, stand or park a vehicle in a space designated for impaired mobility parking unless the vehicle bears a license plate or decal issued by the State of Indiana containing the international wheelchair symbol or such other symbol as the commission of the bureau of motor vehicles of the State of Indiana or any other state shall designate to distinguish a vehicle used by or to transport an impaired mobility person; or unless the vehicle has clearly displayed in the windshield thereof a permit issued hereunder by the Board of Public Works and Safety. (Ord. No. G-18-83, 5, 6-28-83)

Sec. 17-69.5. Fines and penalties.

(a) Failure to do any act required by this division or acting in a manner prohibited by this division shall constitute a violation.

(b) A person who falsely represents himself/herself as having the qualification to obtain a Fort Wayne impaired mobility permit will be fined up to a maximum of one hundred dollars

($100.00) and have such person's permit revoked.

(c) Any motor vehicle parking in areas designed for the exclusive use of impaired mobility persons which does not bear a disabled veteran registration plate, a space registration plate, or display a Fort Wayne impaired mobility parking permit, shall be ticketed at the owner's expense. The fine shall be $20.00 for each violation. (Ord. No. G-18-83, 6, 6-28-83)

ARTICLE VII. ABANDONED VEHICLES

Sec. 17-70. Generally.

It shall be unlawful for any person to abandon any vehicle on any public or private premises within the city or to leave any vehicle at any place within the city for such time and under circumstances which would reasonably make such vehicle appear to have been abandoned. No person shall leave any partially dismantled, non-operating, wrecked or junked vehicle on any public or private premises within the city. (Ord. G-16-74, 1.)

Sec. 17-71. Removal by Board of Public Works and Safety.

The Board of Public Works and Safety shall and is hereby denominated as the "public agency" which shall be responsible for the removal, storage and disposal of abandoned vehicles, as designated in the "Abandoned Vehicle Act," and in order to facilitate the removal of such abandoned vehicles or parts, the Board of Public Works and Safety may employ such personnel and acquire such equipment, property and facilities as are necessary for the purpose of removal, storage and disposition of such abandoned vehicles, not in conflict with the "Abandoned Vehicle Act", or the Board of Public Works and Safety may contact with private towing firms or individuals in such business on an annual basis to provide the equipment, storage area and facilities for the removal and disposal. (Ord. G-16-74, 2.)

Sec. 17-72. Disposal; junk vehicle fund.

The Board of Public Works and Safety shall establish at periodic times and places for the sale or disposal of all such vehicles impounded under this article. Any monies received shall be placed in the "junk vehicle fund". (Ord. G-16-74, 3.)

Sec. 17-73. Adoption of state law.

All of the powers, purposes, provisions and definitions contained in such "Abandoned Vehicle Act" are now incorporated by reference in this article and made a part thereof. (Ord. G-16-74, 4.)

Sec. 17-74. Removal by owner; execution of waiver.

The owner of such abandoned or junk vehicle may in lieu of the above provisions voluntarily provide for the removal and disposal of such vehicle by executing an abandoned vehicle removal waiver with the Board of Public Works and Safety. (Ord. G-16-74, 5.)

Sec. 17-75. Violations; penalties.

Any person violating any provision of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in the amount of $50.00. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. (Ord. G-16-74, 6; Ord. No. G-37-77, 1, 9-27-77)

ARTICLE VIII. NOISE

Sec. 17-76. General.

It shall be unlawful for any person to make any noise, disorder or tumult to the disturbance of the peace and quietude of the city or to the annoyance of any of its inhabitants, or to permit such noise, disorder or tumult to be made in or about his house or premises and the same is hereby declared to be a public nuisance.

The following acts are declared to be a public nuisance, but the enumeration of the particular offenses hereinafter particularly defined shall not be construed as limiting the generality of this section, or limiting the offenses hereunder to the particular offenses hereinafter enumerated:

(a) The sounding of any horn or signal device on any automobile, motorcycle, bus, streetcar or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by mens of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

(b) The use of any automobile, motorcycle or vehicle with appurtenances attached thereto so as to create loud or unnecessary grating, grinding, rattling or other noise.

(c) Sounding any siren or other noise-making or noise-producing device within the quiet zone as designated by appropriate signs or any hospital or sanitarium in the city.

The provisions of this section shall not apply to celebrations on Halloween and legal holidays and celebrations in

connection with duly authorized parades. (Code 1946, ch. 19, 24)

Sec. 17-76.1. Same - Vehicular.

(a) Scope. This section shall apply to the control of all noise caused by light motor vehicles and originating within the limits of the City of Fort Wayne, Indiana.

(b) Definitions. For the purposes of this section, the following definitions apply:

(1) A-weighted sound level: The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated db(A) or dBA.

(2) Decibel (db): A unit for measuring the volume of a sound, equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals (20 micronewtons per square meter).

(3) Light motor vehicles: Any automobile, van, motorcycle, motor-driven cycle, motorscooter, dune buggy, snowmobile, all-terrain vehicle, go-car, minibike, trail bike, and truck with gross vehicular weight of less than eight thousand (8,000) pounds.

(4) Modified and defective exhaust systems: An exhaust system in which the original noise abatement devices have been physically altered causing them to be less effective in reducing noise, or the original noise abatement devices which are not as effective in reducing noise as their original devices, or devices have been added to the original noise abatement devices such that noise levels are increased.

(5) Noise level: The A-weighted sound level produced by a motor vehicle.

(6) Person: Any individual, association, partnership or corporation which includes any officer, employee, department, agency or instrumentality.

(7) Sound level meter: An instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighting networks used to measure sound pressure levels. Such instrument shall be used for measurement of the intensity of sound and calibrated in decibels as standardized by the American National Standards

Institute (ANSI). Readings shall be made on a db(A) scale.

(8) Traffic noise: Sound made by a motor vehicle operated either on the public right-of-way or private property.

All definitions and terminology used in this Code, as defined above, shall be defined in conformance with any applicable publication of the American National Standards Institute (ANSI), or its successor body.

(c) Noise limit. It shall be unlawful for any person to cause noise levels from the operation or use of light motor vehicles in excess of eighty-three (83) db(A) in any area within the corporation limits of the City of Fort Wayne, Indiana, at any time. Such noise level limit shall be measured at a distance of not less than fifteen (15) feet from the noise source.

(d) Excessive noise prohibited. It shall be unlawful for any person to operate, cause to operate or use a light motor vehicle such as to cause excessive noise levels as a result of a defective or modified exhaust system, or as a result of unnecessary rapid acceleration, deceleration, revving or tire squeal, or as the result of the operation of audio devices such as but not limited to radios, phonographs, and tape players on or from such vehicle.

(e) Exemptions. The following are exempted from the provisions of this section:

(1) Sound emitted from sirens of authorized emergency vehicles.

(2) Lawnmowers, garden tractors, and similar home power tools when properly muffled, for up to two (2) hours per day between the hours of 8:00 A.M. and 8:00 P.M.

(3) Burglar alarms on light motor vehicles of the electronic signaling type which transmit a nonaudible signal to a receiver which can be carried by the owner or operator of the vehicle; and

(4) Celebrations on Halloween and legal holidays and celebrations in connection with duly authorized parades.

(f) Prosecution.

(1) In any criminal prosecution for a violation of this section, the court may admit evidence of a noise level as tested by a sound level meter

which meets or exceeds the American National Standard Institute (ANSI) specifications for Type II equipment. A person shall be found guilty of violation of this section for the emission of the excessive noise from or on any motor vehicle source in excess of the limitations established herein.

(2) It shall be unlawful for any person to violate the provisions of this section. Whenever any police officer makes an arrest for violation of this section, he shall take down the name, address, operator's license number and registration number of the vehicle if readily available and shall issue to the alleged violator in writing on the form provided by the city clerk, a citation for a violation of this section. Upon conviction of violation of this section, the violator shall be punished a fine not less than fifty dollars ($50.00) nor more than two hundred fifty dollars ($250.00).

(g) Payment of fines. All fines and penalties shall be payable to the violations bureau located in the office of the city clerk of Fort Wayne, Indiana.

(h) Remedy noise source. Within seven (7) days, the person shall repair or remedy the source of the excessive noise from the vehicle and have the vehicle checked by a noise pollution police officer. If the vehicle is being sold, the noise source must first be corrected. (Ord. No. G-13-80, 1, 7-22-80; Ord. No. G-06-81, 1, 4-28-81)

ARTICLE IX. BUSES, TRUCKS AND OTHER HEAVY VEHICLES

Sec. 17-77. Intercity buses - Routes.

Any intercity common carrier of passengers, duly authorized to operate upon the streets of this city, shall operate its vehicles and maintain and provide service only upon the routes as number and described in schedule 15, maintained on file in the office of the traffic engineer. (Ord. 2726, 1.)

Sec. 17-78. Same - Loading zones.

No intercity common carrier or passenger vehicle shall stop, stand or park within the business district of this city, except at the loading zones described in schedule 16, maintained on file in the office of the traffic engineer. (Ord. 2726, 1.)

Sec. 17-79. Other city buses - Routes.

Any common carrier of passengers, other than intercity, duly authorized to operate upon the streets of this city shall operate its vehicles only on the routes prescribed in the franchise agreement between this city and such carrier. (Ord. 2726, 1.)

Sec. 17-80. Same - Loading zones.

Every common carrier of passengers vehicle, other than intercity, shall stop for the purpose of loading or unloading passengers within this city only at either (1) loading zones from time to time duly determined, designated and signed by the board of public safety, or

(2) In the absence of such a duly determined, designated and signed loading zone, in any block at such place in the block as the operator of such vehicle shall determine from time to time to be in the safety and convenience of the passengers. (Ord. No. 2726, 1, Ord. 2737, 1.)

Sec. 17-81. Restrictions on loading and unloading buses.

No common or contract carrier of passengers vehicle shall load or unload any passengers until such vehicle is parallel to the curb and not more than one foot distant therefrom, except when prevented from so doing by an obstruction or other condition beyond its control. If there is no curb, all loading and unloading shall be done in such a manner as to cause no obstruction to the regular flow of traffic. (Ord. 2726, 1, Ord. 2737, 1)

Sec. 17-82. Definitions.

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(a) "City" is the City of Fort Wayne.

(b) "County" is Allen County, Indiana.

(c) "Deviating Truck" is a truck which leaves and departs from a truck route while travelling inside the City.

(d) "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.

(e) "Truck" is any vehicle designed or operated for the transportation of property, and which is licensed to carry a combined body and load weight exceeding 30,000 pounds.

(f) "Truck Route" is a way over certain streets, as designated herein, over and along which trucks coming into and going out of the City must operate.

(g) "Residential Area" is a combination of contiguous city blocks having the majority of land use patterns whose primary use can be seen to be residential in nature as described in the Zoning Map maintained on file in the office of the Traffic Engineer.

Sec. 17-83. Application of Regulation.

a) the deviation of a truck from a designated truck route, providing the truck:

   1.) has a destination point in Allen County, and

   2.) remains on the designated truck route it reaches the intersection nearest its destination point.

b) the deviation of a truck from a designated truck route, providing the truck:

   1.) has an origination point not on a designated truck route, and

   2.) proceeds from its place of origination along the most direct path to a designated truck route.

(c) Emergency Vehicles. The operation of emergency vehicles upon any streets in the City.

(d) Public utilities. The operation of trucks owned or operated by the City, public utilities, any contractor or material man, while engaged in the repair, maintenance or construction of streets, street improvements, or street utilities within the City.

(e) Detoured trucks. The operation of trucks upon any officially established detour in any case where such truck could lawfully be operated upon the street for which such detour is established, whether by reason or an emergency, said detour is temporary, permanent, or established.

(f) Farm vehicles. The operation of farm vehicles when loaded with farm crops having a point of origin within the County or a point of destination within the County upon truck routes and those streets designated in Sec. 17-85. For purposes of this ordinance, any truck hauling farm crops is a farm vehicle loaded with farm crops.

(2) Truck traffic in residential areas prohibited during certain hours. Trucks shall not be operated in or through a residential area between the hours of 10 o'clock p.m. and 6 o'clock a.m., excepting designated state highway routes, and as described in Section 17-83 (1) Exceptions (a), (b), (c), (d) and (e).

Sec. 17-84. Truck routes established.

There is hereby established within the City the following "Truck Routes":

(a) Outside Origin; Outside Destination. All trucks entering the City from a point of origin outside the County for destination points outside the County shall operate only over the designated routes.

Sec. 17-85. Designated streets for truck use.

In addition to those streets in the City constituting a part of a truck route as established herein, the following streets as described in Section 17-83 (1) Exceptions (a), (b), (c), (d) and (e) shall be used for truck traffic.

Sec. 17-86. Truck traffic in the City.

(1) Trucks originating outside of the County.

(a) One inside destination point. All trucks entering the City for a destination point in the City shall proceed only over an established turck route and shall deviate only at the intersection with the street, upon which such traffic is permitted, according to Section 17-85, nearest to the destination point. Upon leaving the destination point, a deviating truck shall

return to the truck route by the most direct route.

(b) Multiple inside destination points. All trucks entering the City for multiple destination points shall proceed only over established truck routes and shall deviate only at the intersection with the street, upon which such traffic is permitted, according to Section 17-85, nearest to the first destination point. Upon leaving the first destination point a deviating truck shall proceed to other destination points by the nearest designated route under Sec. 17-85. Upon leaving the last destination point, a deviating truck shall return to the truck route by the most direct route.

(2) Trucks originating inside the County.

(a) Outside destination point. All trucks, on a trip originating in the County, and travelling in the City for a destination point outside the City shall proceed by the shortest direction over streets on which such traffic is permitted, according to Section 17-85, or on designated truck routes.

(b) Inside destination points. All trucks, on a trip originating in the County, and travelling in the City for destination points in the City shall proceed only over streets upon which such traffic is permitted according to Section 17-85 or designated truck routes.

(3) Overweight and Oversized Vehicles.

No other streets other than those designated shall be used by trucks without the driver and/or owner having first obtained from the Right-of-Way Department a special emergency permit therefore, which special permit may be obtained without charge.

STATE ROUTES - Thru Truck Routes

I-69 from west city limits to north city limits

U.S. 27 - Southbound

Lima Road from I-69 to Coliseum Boulevard
Northrop Street from Coliseum Boulevard to Clinton Street
Clinton Street from Northrop Street to Lafayette Street
Lafayette Street from Clinton Street to south city limits

U.S. 27 - Northbound

Lafayette Street from south city limits to Spy Run Avenue
Spy Run Avenue from Lafayette Street to Clinton Street
Clinton Street from Spy Run Avenue to Northrop Street
Northrop Street from Clinton Street to Coliseum Boulevard
Lima Road from Coliseum Boulevard to I-69

U.S. 33 - Southbound

Goshen Road from I-69 to Coliseum Boulevard
Coliseum Boulevard from Goshen Road to Northrop Street
Northrop Street from Coliseum Boulevard to Clinton Street
Clinton Street from Northrop Street to Lafayette Street
Lafayette Street from Clinton Street to south city limits

U.S. 33 - Northbound

Lafayette Street from south city limits to Spy Run Avenue
Spy Run Avenue from Lafayette Street to Clinton Street
Clinton Street from Spy Run Avenue to Northrop Street
Northrop Street from Clinton Street to Coliseum Boulevard
Coliseum Boulevard from Northrop Street to Goshen Road
Goshen Road from Coliseum Boulevard to I-69

U.S. 24 - U.S. 30 - S.R. 14 - Eastbound

Goshen Road from I-69 to Coliseum Boulevard
Coliseum Boulevard from Goshen Road to Washington Boulevard
Washington Boulevard from Coliseum Boulevard to east city limits

U.S. 24 - U.S. 30 - S.R. 14 - Westbound

Washington Boulevard from east city limits to Coliseum Boulevard
Coliseum Boulevard from Washington Boulevard to Goshen Road
Goshen Road from Coliseum Boulevard to I-69

S.R. 1 - Southbound

I-69 from north city limits to Lima Road
Lima Road from I-69 to Coliseum Boulevard
Northrop Street from Coliseum Boulevard to Clinton Street
Clinton Street from Northrop Street to Lafayette Street
Lafayette Street from Clinton Street to Paulding Road
Paulding Road from Lafayette Street to Baer Field Thruway
Baer Field Thruway from Paulding Road to Bluffton Road
Bluffton Road from Baer Field Thruway to south city limits

S.R. 1 - Northbound

Bluffton Road from south city limits to Baer Field Thruway
Baer Field Thruway from Bluffton Road to Paulding Road
Paulding Road from Baer Field Thruway to Lafayette Street
Lafayette Street from Paulding Road to Spy Run Avenue
Spy Run Avenue from Lafayette Street to Clinton Street
Clinton Street from Spy Run Avenue to Northrop Street
Northrop Street from Clinton Street to Coliseum Boulevard
Lima Road from Coliseum Boulevard to I-69
I-69 from Lima Road to north city limits

S.R. 3 - Southbound

Lima Road from north city limits to I-69

S.R. 3 - Northbound

Lima Road from I-69 to north city limits

S.R. 37 - Northbound

Crescent Avenue from Coliseum Boulevard to Stellhorn Road
Stellhorn Road from Crescent Avenue to east city limits

S.R. 37 - Southbound

Stellhorn Road from east city limits to Crescent Avenue
Crescent Avenue from Stellhorn Road to Coliseum Boulevard

CITY STREETS - CITY TRUCK ROUTES

North - South Streets

South Anthony Boulevard from Washington Blvd. to Pontiac Street
South Anthony Boulevard from U.S. 27 to Paulding Road
Ardmore Avenue from Lower Huntington Road to Taylor Street
Baer Road from Baer Field Thruway to Lower Huntington Rd.
Bluffton Road from south city limits to Brooklyn Avenue
Broadway from Creighton Avenue to Main Street
Brooklyn Avenue from Bluffton Road to Taylor Street
Catalpa Street from Taylor Street to Jefferson Boulevard
Clinton Street from Northrop Street to Coliseum Boulevard
Coldwater Road from Clinton Street to I-69
Coliseum Boulevard from Pontiac Street to Washington Boulevard
Crescent Avenue from East State Boulevard to Coliseum Boulevard
Ewing Street from Baker Street to Superior Street
Fairfield Avenue from Pontiac Street to Superior Street
Freeman Street from Taylor Street to Jefferson Boulevard
Goshen Road from Sherman Street to Coliseum Boulevard
Hobson Road from East State Boulevard to Stellhorn Road
Industrial Rd. from Coliseum Blvd. to Washington Center Road
Leesburg Road from Main Street to Spring Street
Lindenwood Avenue from Jefferson Boulevard to Spring Street
Sherman Street from St. Mary's River to Goshen Road
Tyler Avenue from Spring Street to West State Boulevard
VanBuren Street from Main Street to St. Mary's River
Wells Street from Superior Street to Fernhill Avenue

CITY STREETS - CITY TRUCK ROUTES

East - West Streets

Baer Field Thruway from Bluffton Road to Baer Road
Baker Street from Fairfield Avenue to Ewing Street
Covington Road from Jefferson Boulevard to Ardmore Avenue
Creighton Avenue from Broadway to Lafayette Street
Dalman Road from Baer Road to west city limits
Engle Road from Bluffton Road to west city limits
Fernhill Avenue from Wells Street to Northrop Street
Illinois Road from west city limits to Jefferson Boulevard
Jefferson Boulevard from west city limits to Maumee Avenue
Lower Huntington Road from Tillman Road to west city limits
Main Street from Jefferson Boulevard to Lafayette Street
Maumee Avenue from Jefferson Boulevard to Washington Blvd.
New Haven Avenue from Wayne Trace to Coliseum Boulevard
Oxford Street from Lafayette Street to east city limits
Paulding Road from Lafayette Street to east city limits
Pontiac Street from Fairfield Avenue to Coliseum Boulevard
Spring Street from west city limits to Wells Street
East State Boulevard from east city limits to Clinton Street
West State Boulevard from west city limits to Wells Street
St. Joe Center Rd. from Washington Center Rd. to east city limits
Superior Street from Sherman Street to Lafayette Street
Taylor Street from Jefferson Boulevard to Broadway
Tillman Road from Lower Huntington Road to east city limits
Washington Boulevard from east city limits to Jefferson Boulevard
Washington Center Road from west city limits to St. Joe Center Rd
Wayne Trace from Anthony Boulevard to Hessen Cassel Road

Sec. 17-87. Enforcement.

(a) Traffic Engineer. The Traffic Engineer shall keep and maintain accurate maps setting out truck routes and streets upon which truck traffic is permitted; the maps shall be kept on file in the office of the traffic engineer and shall be available to the public.

(b) Weigh-In. The Chief of Police shall have the authority to require any person driving or in control of any commercial vehicle not proceeding over a truck route or street over which truck traffic is permitted to proceed to any public or private scale available for the purpose of weighing and determining whether this Ordinance has been complied with.

Sec. 17-88. Truck loads causing litter.

No person shall drive or move any truck or other vehicle within the city unless such vehicle is so constructed or loaded as to prevent any of its load or contents from being blown or deposited upon any street, roadway, sidewalk, alley or other public place; nor shall any person drive or move any vehicle or truck within the city, the wheels or tires of which carry onto or deposit in any street, roadway, alley or other public place any mud, dirt, sticky substances or foreign matter of any kind. (Ord. G-34,1.)

Sec. 17-89. Penalties.

Every person convicted of a violation of this section shall be punished by a fine of two hundred fifty dollars ($250.00) plus court cost.

Sec. 17-90. Severability.

(a) If any provision or term of this chapter, or any application thereof, is held invalid, the invalidity shall not affect other applications of the provisions of terms of this chapter which reasonably can be given effect without the invalid provision or term for the application thereof.

(b) Article IX shall be completely reviewed by the proper governmental authority upon completion of each leg of the new Fort Wayne byPass.

Sec. 17-91. Truck Parking restrictions.

The driver of a vehicle with an overall lenght of more than twenty (20) feet, or with an overall width of more than seven (7) feet, six (6) inches, shall not park such vehicle on or in any street or alley or driveway in any residential district in the city, except temporarily while actually engaged in loading or unloading freight or other materials on or from such vehicle, nor shall any truc-tractor, farm tractor, road tractor, semi-trailor, pull-tractor, or any other commercial vehicle be parked on or in any driveway, street, or alley in any residential district, except temporaril while said vehicle is being used for unloading freight or other materials on or from such vehicle. (Ord. 2736, 1; Ord. No. G-15-84, 2, 7-24-84)

Sec. 17-92. Load limits on bridges.

(a) The Board of Public Works and Safety is hereby authorized, by resolution regularly adopted, to reduce the gross load weight allowed on any bridge, causeway or viaduct below that prescribed by state law, whenever such board may determine that the maximum load otherwise permitted is greater than such bridge, causeway or viaduct can sustain without serious damage or with safety to itself.

(b) When signs are erected pursuant to this section in a conspicuous place at the end of the structure, indicating the gross weight allowed on any such bridge, causeway or viaduct, no vehicle shall be moved over such bridge, causeway or viaduct when the gross weight of such vehicle is greater than that allowed on such bridge, causeway or viaduct. (Ord. 2726, 1.)

ARTICLE X. SIGHT RESTRICTIONS

Sec. 17-93. Corner visibility.

No fence, wall, hedge or other planting or other obstruction to vision, extending in excess of three feet above or hanging lower than eight feet above the established street centerline grade shall be erected, planted or maintained in the areas described below; provided, that this restriction shall not apply to buildings in the B-3-A district as established under chapter 33.

(a) Corner lot. The area bounded by the edges of intersecting roadways and a line intersecting such edge lines at points forty feet distant from the intersection of the edge or roadway lines extended on their bearing before any deflection for the intersection.

(b) Lot at intersection of alley. The area bounded by the edge of the roadway and the edge of the intersecting alley and a line intersecting such edge lines at points ninety feet distant on the roadway and fifteen feet distant on the alley from the intersection of such edge lines extended on their bearing before any deflection for the intersection.

If any owner shall fail to remove any such obstructions within fifteen days after notice, the city traffic engineer may cause them to be removed at the expense of the owner. The police department, street department, park department and building department will cooperate with the traffic engineer in the enforcement of this provision. (G-01-68, 1.)

ARTICLE XI. SNOW

Sec. 17-94. Snow alert - Definition.

A "snow alert" is hereby declared by the Board of Public

Works and Safety to be a period of time prior to, during or after a snowfall of an actual or predicated accumulation of not less than two (2) inches as forecast by the United States Weather Bureau and during which time vehicular traffic is expected to be particularly hazardous or congested due to the elements, and during which period of time the parking of such vehicles could hinder, delay, and obstruct the safe flow of traffic and the proper cleaning, clearing and making safe of certain heavily traveled public streets of this city, which streets shall be designated as "Snow Control Routes" and listed in Schedule 18, maintained in the office of the Traffic Engineer.

Sec. 17-95. Definition of Snow Emergency.

A "snow emergency" is hereby declared to be a period of time prior to a forecast by the United States Weather Bureau during and after a snowfall, during which the vehicular traffic is expected to be particularly hazardous or congested do to the elements, and during which period of time the parking of such vehicles could hinder, delay and obstruct the safe flow of traffic and of the proper cleaning, clearing and making safe of certain heavily traveled public streets of this city, which streets shall be designated snow control routes and listed in schedule 18, maintained on file in the office of the Traffic Engineer.

Sec. 17-96. Snow Alert - Determination and Proclamation by the Board of Public Works and Safety; duration.

A "Snow Alert" shall commence by order of the Board of Public Works and Safety before, during or after a snowfall with an accumulation of not less than two (2) inches. The sound judgement and discretion of the Board when the circumstances warrant the determination of such a condition for the public safety of the city. Such "Snow Alerts" shall continue in effect until the Board of Public Works and Safety shall determine that such a condition no longer exists and accordingly shall terminate such "Alert".

Sec. 17-97. Snow Alert - Stopping or parking vehicles on Snow Control Routes prohibited.

It shall be unlawful for the owner, driver or operator of any vehicle to park, stop or stand the same or to permit the same to be parked or to stand at any time during the period of any "Snow Alert" on any of the posted routes or streets as listed in Schedule 18 maintained on file in the office of the Traffic Engineer.

Sec. 17-98. Snow Emergency - Determination and Proclamation by mayor; duration.

A snow emergency shall commence by executive order, determination and proclamation by the mayor of the city, before,

during or after a snow fall when, in his sound judgment and discretion, the circumstances warrant the determination of such an emergency for the public safety of the city. Such snow emergency shall continue in effect until the mayor of the city determines that an emergency no longer exists and accordingly terminates such emergency. (Ord. G-14-64, 4.)

Sec. 17-99. Snow Emergency - Stopping or parking vehicles on snow emergency routes prohibited.

It shall be unlawful for the owner, driver or operator of any vehicle to park or stop the same or to permit the same to be parked or to stand at any time during the period of any snow emergency on any of the routes or streets listed in schedule 18, maintained on file in the office of the traffic engineer. (Ord. G-14-64, 5.)

Sec. 17-100. Deposit of snow and ice.

It shall be unlawful for any person to deposit, put, or place, or to suffer, allow, or cause to be deposited, put, or placed any snow or ice from any private property upon any public sidewalk, street, alley, or within five feet of any fire hydrant. (Ord. 2636, 1.)

Sec. 17-101. Removal and impoundment of vehicles.

Any police officer upon discovering any such vehicle so parked or stopped in violation of this article, may remove such vehicle or cause the same to be removed to any city-owned property or to a private garage or place where so authorized pursuant to contract where such vehicle shall be impounded and retained and shall be released only as provided in section 17-3. (Ord. G-14-64, 6, 7.)

ARTICLE XII. BICYCLES

Sec. 17-102. License -- Required.

No person six (6) years of age or over, who resides within this city, shall ride or propel a bicycle on any street or upon any public path set aside for the exclusive use of bicycles unless such bicycle has been licensed and a license plate or decal is attached thereto as provided in this article. (Ord. 2726, 1.)

Sec. 17-103. Same - Application.

Application for a bicycle license and license plate or decal shall be made upon a form provided by the city, shall be accompanied by reasonable proof of ownership and shall be made to the city controller. An annual license fee of twenty-five

cents ($0.25) shall be paid to the city before each license or renewal thereof is granted. (Ord. 2726, 1.)

Sec. 17-104. Same - Issuance; records.

(a) The city controller, upon receiving proper application therefor, is authorized to issue a bicycle license which shall be effective until the next succeeding first day of May.

(b) The city controller shall not issue a license for any bicycle when he knows or has reasonable ground to believe that the applicant is not the owner of or entitled to the possession of such bicycle.

(c) The city controller shall keep a record of the number of each license, the date issued, the name and address of the person to whom issued, and the number on the frame of the bicycle for which issued, and a record of all bicycle license fees collected by him, and shall provide a copy thereof to the chief of police. (Ord. 2726, 1; Ord. G-31-1.)

Sec. 17-105. Same - Attachment of plate or decal.

(a) The city controller, upon issuing a bicycle license, shall also issue a license plate or decal bearing the license number assigned to the bicycle, the name of the city and the expiration date thereof.

(b) The city controller shall cause such license plate or decal to be attached to the bicycle and shall be used in such position as to be plainly visible from the rear.

(c) No person shall remove a license plate or decal from a bicycle during the period for which issued, except upon a transfer of ownership or in the event the bicycle is dismantled and no longer operated upon any street in this city. (Ord. 2726, 1; Ord. G-94)

Sec. 17-106. Same - Renewal.

Upon the expiration of any bicycle license, the same may be renewed upon application for and payment of the fee for the same as upon an original application. (Ord. 2726, 1.)

Sec. 17-107. Same - Disposition upon transfer of ownership.

Upon the sale or other transfer of a licensed bicycle, the licensee shall remove the license plate or decal and shall either surrender the same to the city controller or may, upon proper application but without payment of additional fee, have such plate or decal assigned to another bicycle owned by the applicant. (Ord. 2726, 1.)

Sec. 17-107.1. Altered manufacturer's serial numbers.

It shall be unlawful to destroy, remove, alter, cover or deface the manufacturer's serial number of any bicycle. It shall be unlawful for any person to own or have custody of a bicycle, the original manufacturer's serial number of which has been destroyed, removed, altered, covered or defaced. (Res. No. R-92-80, 1, 10-28-80)

Sec. 17-108. Inspection.

The chief of police, or officers of the police or fire departments assigned such responsibility by him, shall inspect each bicycle before the same is licensed, and the city controller shall refuse a license for any bicycle which the chief of police determines is in unsafe mechanical condition or not equipped in accordance with this article. (Ord. 2726, 1.)

Sec. 17-109. Education campaign for bicycle riders.

The chief of police, or an officer assigned such responsibility, shall develop and supervise activities designed to promote better bicycle riding habits, knowledge and observance of traffic regulations by bicycle riders, and other activities which increase the safe operation of bicycles on the city streets. (Ord. 2726, 1.)

Sec. 17-110. Rental agencies.

A rental agency shall not rent or offer any bicycle for rent unless the bicycle is licensed and a license plate or decal is attached thereto as provided in this article and such bicycle is equipped with the lamps and other equipment required in this article. (Ord. 2726, 1.)

Sec. 17-111. Bicycle dealers.

Every person engaged in the business of buying or selling new or secondhand bicycles shall, on or before the third day of each month, make a report to the city controller of every bicycle purchased or sold by such dealer during the immediately prior month, giving the name and address of the person from whom purchases or to whom sold, a description of such bicycle by name or make, the frame number thereof and the number of license plate or decal, if any, found thereon. (Ord. 2726, 1.)

Sec. 17-112. Speed.

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing. (Ord. 2726, 1.)

Sec. 17-113. Emerging from alley or driveway.

The operator of a bicycle emerging from an alley, driveway

or building, shall upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on such sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on such roadway. (Ord. 2726, 1.)

Sec. 17-114. Parking.

No person shall park a bicycle upon the traveled portion of the street. Bicycles may be parked only upon the sidewalk area in a rack provided to support the bicycle or against a building or in such manner as to afford the least obstruction pedestrian traffic. (Ord. 2726, 1; Ord. G-26-68, 2.)

Sec. 17-115. Riding on sidewalks.

(a) No person shall ride a bicycle upon a sidewalk within a business district.

(b) Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

(c) No person shall operate a moped or motorized bicycle on any sidewalk or other path designed for the primary use of bicycles. (Ord. 2726, 1.)

Sec. 17-116. Penalties for violation of article.

Every person convicted of a violation of any provision of this article shall be punished by a fine of not less than five dollars ($5.00) and not more than one hundred dollars ($100.00) or by the removal and detention of the license plate or decal from such person's bicycle for a period not to exceed thirty (30) days or by the impounding of such person's bicycle for a period not to exceed thirty (30) days or by any combination thereof. (Ord. 2726, 1; Ord. G-26-68, 4.)

ARTICLE XIII. ICE CREAM TRUCKS

Sec. 17-117. Definitions.

(a) Ice cream truck shall mean every motor vehicle in which ice cream, ice milk, frozen dairy products or ice flavored with syrup is carried for purposes of retail sale on the streets of the city.

(b) Vend or vending shall mean offering ice cream, ice milk, frozen dairy products or ice flavored with syrup for sale from a motor vehicle on the public streets of the city. (Ord. No. G-07-82, 2, 5-25-82)

Sec. 17-118. Inspection, equipment and licensing.

Once every year prior to the issuance of any license to any person who uses and operates any ice cream truck on the streets of the city, the owner thereof shall cause said ice cream truck to be thoroughly examined and inspected by the health officer of the city-county board of health to determine compliance with the minimum sanitation and health requirements specified by the state board of health. Written proof of said inspection shall be promptly transmitted by the health officer to the office of the controller of the city. Upon receipt of the written proof of inspection showing compliance with minimum sanitation and health requirements as hereinabove specified, and prior to the issuance of a vendor or peddler's license as set from hereinafter and prior to the use and operation of said ice cream truck, said ice cream truck shall be thoroughly examined and inspected by the police department and must have the following safety equipment on said vehicle in good working order;

(1) A metal, horizontally extendable sign at least twenty (20) inches in length, and at least ten (10) inches in width imprinted with the words "STOP" in six-inch black block letters on yellow background, and "PROCEED WITH CAUTION" in two-inch black block letters on yellow background, such arm to be lighted at the street end of said arm with two (2) alternately flashing lights two (2) inches in diameter, amber in the front and red in the back clearly visible from both front and rear directions at a distance of at least three hundred (300) feet, the bottom of said sign to be at a height between three (3) and five (5) feet above the level of the street or way.

(2) The inspection letter for each vehicle by the board of health and police department shall be carried in that vehicle.

(3) Each vendor-driver shall possess a valid Indiana chauffeur's driver's license. The owner shall provide his drivers, in the spring, a safety program of at least two (2) hours taught by a qualified instructor in the operation of the ice cream truck and vending of the ice cream, etc. (Ord. No. G-07-82, 3, 5-25-82; Ord. No. G-12-83, 1, 4-12-83)

Sec. 17-119. Violations by motorists.

(a) It shall be unlawful for any motorist when approaching a parked (defined as located within six (6) inches of the curb or side of road, whichever is applicable) ice cream truck from any direction at a time when such ice cream truck is displaying the metal extendable arm and the flashing lights, to fail to come to a complete stop at least ten (10) feet from the closest

end of said ice cream truck or to fail to then proceed with caution past such ice cream truck at a reasonable and prudent speed and to yield the right-of-way to any pedestrian who crosses the roadway to or from the side of said ice cream truck; provided, that on any street or highway divided into two (2) or more roadways by leaving an intervening space which is unimproved and not intended for vehicular traffic, or by a physical barrier or by a dividing section constructed to impede vehicular traffic, if the ice cream truck is on the opposite side of such traffic barrier, the driver of the approaching vehicle need not stop but shall proceed with due caution for the safety of the customers of the ice cream truck.

(b) Any motorist who operates a motor vehicle in violation of this section shall be fined not to exceed fifty dollars ($50.00) and court costs for each violation; provided, however, if the ice cream truck is being operated in violation of this Article XII, then the motorist shall not be considered as violating this section. (Ord. No. G-07-82, 4, 5-25-82)

Sec. 17-120. Vending restrictions.

(a) The driver of an ice cream truck shall come to a full and complete stop within six (6) inches of the curb or side of the road. The vender shall then actuate the alternately flashing red and amber lights and extend the stop signal arm required by this Article XII, prior to vending.

(b) The required signal arm and flashing lights shall not be used when the ice cream truck is in motion nor at any time when the ice cream truck is stopped for a purpose other than vending.

(c) The driver or vendor therein of an ice cream truck shall not back the truck to make or attempt to make a sale.

(d) The driver or vendor therein of an ice cream truck shall vend only from the side of said ice cream truck away from moving traffic.

(e) It shall be unlawful to offer to vend on any public street where parking is prohibited on one side or on both sides of said public street, or on any public street where the legal speed limit exceeds thirty (30) miles per hour.

(f) It shall be unlawful to offer to vend or to vend from any ice cream truck on any public street before the hour of 9:00 A.M., between the hours of 5:00 P.M. and 6:00 P.M., and after dusk.

(g) It shall be unlawful to offer to vend or to vend from any ice cream truck within a distance of one thousand (1,000) feet of any real estate which is then used as part of the school grounds of any duly accredited public or private, grade or

junior high school between the hours of 7:00 A.M. and 4:00 P.M. on days when said schools are in session. (Ord. No. G-07-82, 5, 5-25-82)

Sec. 17-121. Violations by ice cream vendor or driver of any ice cream truck.

Any ice cream vendor or driver of an ice cream truck who operates an ice cream truck in violation of this Article XII, shall be fined not to exceed fifty dollars ($50.00) and court costs for such violation. (Ord. No. G-07-82, 6, 5-25-82)

Sec. 17-122. Permissive vending at special events.

It shall be lawful for an ice cream truck duly inspected and licensed under section 17-117 of this Article XII, to vend its wares at special events, such as fireworks, Three Rivers Festivals, company benefits and parties in places other than on public streets without complying with the provisions of section 17-119(a), (b), (c), (d), (e) and (f). (Ord. No. G-07-82, 7, 5-25-82)

Sec. 17-123. Payment of fines.

All fines and penalties shall be paid to the Fort Wayne Violations Bureau located in the office of the City Clerk. (Ord. G-07082, 8, 5-25-82)

ARTICLE VIX. TRAFFIC DIVISION OF POLICE DEPARTMENT

Sec. 17-124. Established; duties.

(a) There is hereby established in the police department of this city a traffic division to be under the control of a captain of police appointed by and directly responsible to the chief of police.

(b) It shall be the general duty of the traffic division and of all members of the police department to enforce the street traffic laws and regulations of this city and all of the state vehicle laws applicable to traffic in this city; to make arrests for traffic violations; to investigate accidents; to cooperate with the city traffic engineer and other officers of the city in developing ways and means to improve traffic conditions; and to carry out those duties specially imposed upon such division by this chapter and other traffic ordinances of this city.

(c) It shall be the particular duty of the traffic division:

(1) To keep records of all violations in this city of this chapter and other ordinances of this city and of the state traffic and vehicle laws of which any person has been charged, together with a record of the disposition of all such alleged offenses. Such records shall be so maintained as to show all types of violations and the total of each. All forms for records of violations shall be serially numbered for each month and year, and written records shall be kept available to the public, showing the disposal of such forms. All such records and reports shall be public records.

(2) To investigate traffic accidents and, assisted by all other members of the police department, to arrest and to assist in the prosecution of those persons charged with violations causing or contributing to such accidents.

(3) To assist the city traffic engineer in conducting studies of the causes of such accidents and determining remedial measures whenever three accidents have occurred at any particular location within a period of one year.

(4) To maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed alphabetically by location. Such reports shall be transferred to city traffic engineer after three months.

(5) To receive and properly file all accident reports made to it under state law or under any ordinance of this city, but all such accident reports made by drivers shall be for the confidential use of the police department and the city traffic engineer only, and no such report shall be admissible in any civil or criminal proceedings other than upon request of the person making such report or upon request of the court having jurisdiction to prove a compliance with the laws requiring the making of any such report.

(6) To maintain suitable records of all traffic accidents warranting arrest or conviction and complaint reports for each driver, which shall be filed alphabetically under the name of the driver concerned.

(7) To study the cases of all drivers charged with frequent or serious violations of the traffic laws or involved in frequent traffic accidents or in serious accidents and take whatever steps are lawful and reasonable to prevent the same or to have the licenses of such persons suspended or revoked.

(8) To accumulate all records during at least a five-year period, and from that time on such records shall be maintained complete for at least the most recent five year period.

(9) To annually prepare and file with the mayor and the common council a traffic report which shall contain information on traffic matters in this city as follows:

a. The number of traffic accidents, the number of persons killed, the number of persons injured and other pertinent accident data.

b. The number of traffic accidents investigated, and other pertinent data on the safety activities of the police.

c. The plan and recommendation of the division for future traffic safety activities.

(10) To designate a type of pennant or other identifying insignia to be displayed upon, or other method to be employed to identify, the vehicles in a funeral procession. (Ord. G-08-76, 1.)

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FORT WAYNE CITY CODE - CHAPTER 17

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ARTICLE I. IN GENERAL

Sec. 17-1. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Alley. A right-of-way other than a street, road, crosswalk or easement, designed for the special accommodation of the property it reaches.

Authorized emergency vehicle. Vehicles of the fire department, police department, and such ambulances and other vehicles having a public emergency use as are authorized and designated by the board of public safety.

Bicycle. Any foot-propelled vehicle, irrespective of the number of wheels in contact with the ground.

Business district. The territory contiguous to and including a street when fifty (50) per cent or more of the frontage thereon for a distance of five hundred feet or more is occupied by buildings in use of business.

Central business district. All streets and portions of streets within the area described in schedule 1 maintained on file in the office of the traffic engineer.

Crosswalk:

(1) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs from the edges of the traversable roadway.

(2) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings.

Curb loading zone. A space adjacent to a curb, or lateral boundary line of a roadway, reserved for the exclusive use of vehicles while loading or unloading passengers or materials.

Driver. Every person who drives or is in actual physical control of a vehicle.

Firefighter. Any active member of the Fort Wayne Fire Department, excluding those members who are assigned to the department of traffic engineering and/or the communications department of the City of Fort Wayne, Indiana, and excluding also

those former members who are on the retired list of the Fort Wayne Fire Department.

Freight curb loading zone. A curb loading zone reserved for the exclusive use of vehicles while loading or unloading freight.

Intersection:

(1) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two streets which join one another at an angle.

(2) Where a street includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided street by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting street also includes two roadways thirty feet or more apart, then every crossing of two roadways of such street shall be regarded as a separate intersection.

Laned roadway. A roadway which is divided into three or more clearly marked lanes for vehicular travel.

Moped/Motorized Bicycle: A bicycle with operable pedals which may be propelled by human power or by an internal combustion engine or battery powered motor, or by both, and when powered by an internal combustion engine having a rating of no more than one and five-tenths (1 5/10) brake horsepower and a cylinder capacity not exceeding fifty (50) cubic centimeters, an automatic transmission, and a maximum design speed of no more than twenty-five (25) miles per hour on a flat surface.

Motorcycle. Every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

Motor vehicle. Every vehicle which is self propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

Official traffic control devices. All signs, signals, markings and devices not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

Park. The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.

Passenger curb loading zone. A curb loading zone reserved for the exclusive use of vehicles while loading or unloading passengers.

Pedestrian. Any person afoot.

Police officer. Every member of the police department of this city, or any person specifically authorized by the board of public safety to direct or regulate traffic or to make arrests for violations of traffic regulations.

Preferential intersection. An intersection where traffic entering on one street is required to yield the right-of-way to traffic entering upon the other street when proper signs are erected as provided in this chapter.

Private road or driveway. Every way or place in private ownership and used for vehicular travel by he owner and those having express or implied permission from the owner, but not by other persons.

Railroad. A carrier of persons or property upon cars, other than street cars, operated upon stationary rails.

Railroad train. An engine, whether powered by steam, gasoline, electric, diesel or other type motor, with or without cars coupled thereto, operated upon rails.

Residence district. The territory contiguous to and including a street not comprising a business district, when the property on such street for a distance of five hundred feet or more is in the main improved with residences or residences and buildings in use for business.

Right-of-way. A general term denoting land, property or interest therein, usually in a strip of land acquired for or devoted to the construction of a highway, road, or street that will include the travelled way, shoulders, roadsides, auxiliary lanes, medians, border areas, park strips, sidewalks, curbs, gutters, and frontage roads.

Roadway. That portion of a street improved, designed or ordinarily used for vehicular travel. In the event a highway includes two or more separate roadways, the term roadway as used herein shall refer to any such roadway separately but not to all such roadways collectively.

Safety zone. The area or space set apart within a roadway by the board of public safety for the exclusive use of pedestrians and which is structurally protected, or is so marked, or is so indicated by adequate signs as to be plainly visible at times.

Sidewalk. That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

Stop. Complete cessation of movement.

Stop intersection. An intersection where traffic on one street is required by law to stop before entering or crossing the same when stop signs are erected as provided in this chapter.

Stop, stopping or standing. Any stopping or standing of a vehicle whether occupied or not, except when necessary to avoid conflict with traffic or in compliance with the direction of a police officer or traffic control sign or signal.

Street or highway. The entire width between the boundary lines of every way publicly maintained, except alleys, when any part thereof is open to the use of the public for purposes of vehicular travel.

Through street. Every street or portion thereof at the entrance to which vehicular traffic from intersecting streets or highways is required by law to yield the right-of-way to vehicles on such through street or highway, in obedience either to a stop sign or a yield sign, when such signs are erected as provided in this chapter.

Traffic. Pedestrians, ridden or herded animals, vehicles and other conveyances, either singly or together, while using any street for purposes of travel.

Traffic control signal. Any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.

Traffic division. The traffic division of the police department of this city.

Vehicle. Every device in, upon or by which any person or property is or may be transported or drawn upon a street, except devices moved by human power or used exclusively upon stationary rails or tracks.

Yield intersection. An intersection where traffic entering on one street is required to slow down to a speed reasonable for existing conditions, or stop if necessary before entering or crossing the same, when "Yield" signs are erected as provided in this chapter. (Ord. 2726, Sec. 1; Ord. G-15, Sec. 1,2.)

For state law as to definitions relative to highway traffic, see IC 1971, Sec. 9-1-2-1 et seq. As to definitions relative to registration and licensing of vehicles, see IC 1971, Sec. 9-1-1-2 et. seq.

Sec. 17-2. Effect of chapter.

This entire chapter shall be deemed and construed to an exercise of the police powers of this city for the preservation and protection of public safety, and all of its provisions shall be liberally construed with a view to the effectuation of such purpose. (Ord. 2726, Sec. 1)

ARTICLE II. ADMINISTRATION OF ENFORCEMENT OF CHAPTER.

Division 1. Generally

Sec. 17-3. Required obedience to traffic regulations.

It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this chapter or to counsel, aid or abet therein. (Ord. 2726, 1.)

Sec. 17-4. Board of Public Works and Safety.

(a) The Board of Public Works and Safety, by and with the written advice of the city traffic engineer, is empowered:

(1) To make regulations necessary to make effective the provisions of this chapter.

(2) To make regulations to carry out its delegated authority hereunder.

(3) To make temporary or experimental regulations to cover emergency or special conditions. No such temporary or experimental resolution shall remain in force for more than sixty days plus one additional sixty-day extension or written confirmation by the board of public safety; and, or resolution of the common council, one further extension of thirty days may be provided; nor shall the streets, alleys, public ways, or territories designated in a temporary or experimental regulation be subject to an extension of the same temporary or experimental regulation or one substantially the same or similar thereto, with respect to locale, other than as provided in this section without the consent and approval of the common council. All regulations of the board of public safety shall be adopted by such board by formal resolution, which resolution shall recite the written advice of the city traffic engineer, and the provision of this chapter to be made effective by such regulation, the section of this chapter under which delegated authority is carried out or the emergency or special condition requiring the temporary or experimental regulation provided therein, as the case may be. Every such resolution shall be permanently enrolled and recorded by such board in a special, permanently bound book provided by such board for such purpose, which book shall be open to public inspection. Copies of each such resolution and written confirmation of any extension, duly certified by the secretary of such board, shall be delivered to the city traffic engineer, chief of police, city attorney, city clerk and the president of the city council, respectively, within forty-eight hours after the adoption thereof. Any resolution of the common council granting an extension thereof delivered to the city traffic engineer, chief of police, city attorney and the president of the city council, respectively, within forty-eight hours of the grant of any such extension.

(b) The Board of Public Works and Safety shall have the authority to:

(1) Place and maintain traffic control signs, signals and devices when and as required to make effective the provisions of this chapter or other traffic ordinances of this city, or to facilitate the movement or promote the safety of traffic at an intersection, and to place and maintain such additional traffic control devices as it may deem necessary to regulate traffic under state law or to warn traffic, subject to the provisions of section 17-5 (b) of this chapter as to traffic control signals.

(2) Authorize or designate authorized emergency vehicles as defined in section 17-1.

(3) Establish play streets in accordance with section 17-61.

(4) Establish speed zones in parks in accordance with section 17-40.

(5) Designate "yield" intersections in accordance with section 17-52.

(6) Determine angle parking locations in accordance with section 17-77.

(7) Restrict parking at schools in accordance with section 17-86.

(8) Restrict parking near intersections in accordance with section 17-87.

(9) Designate curb loading zones in accordance with section 17-102.

(10) Designate bus and taxi stands in accordance with section 17-105. (Ord. 2726, 1; Ord. G-55, 1; Ord. G-15-68, 1.)

Sec. 17-5. City traffic engineer.

(a) The office of city traffic engineer is hereby established. The city traffic engineer shall be appointed by the mayor and shall exercise the powers and duties provided in this chapter. He shall have such assistants and staff as shall be determined by the Board of Public Works and Safety with the approval of the mayor.

(b) It shall be the general duty of the city traffic engineer to determine the need for the installation of and the proper time and timing of traffic control devices, including traffic control signals on through streets duly established by ordinance pursuant to this chapter, other than state or federal highways; to install and maintain such traffic control devices, to conduct engineering analysis of traffic accidents and to devise remedial measure therefore, to conduct engineering investigations of traffic conditions and to cooperate with other city officials in the development of ways and means to improve traffic conditions and to carry out the additional powers and duties imposed by ordinances of this city; provided, that no automatic traffic control device shall be installed until approved by resolution of the common council of the city.

(c) It shall be the particular duty of the city traffic engineer to:

(1) Designated crosswalks, safety zones, and mark traffic lanes in accordance with section 17-63.

(2) Place turn markers, buttons or signs in accordance with section 17-42.

(3) Determine turn restrictions in accordance with section 17-43.

(4) Devise one-way streets and alleys in accordance with section 17-46.

(5) Erect stop signs on through streets in accordance with section 17-49.

(6) Determine angle parking locations in accordance with section 17-77. (Ord. 2726, 1; Ord. G-09-68, 1; Ord. G-15-68, 2; Ord. G-25-68, 1)

Division 2. Penalties and Procedure on Arrest

Sec. 17-6. Penalties.

a) Unless another penalty is expressed provided by law, every person convicted of a violation of any provision of this chapter shall be punished by a fine of not more than one thousand dollars ($1,000.00). (Ord. 2726, 1; Ord. No. G-37-77, 1; 9-27-77; Ord. No. S-59-82, 3, 4-13-82)

b) There is hereby established the following schedule of penalties for violations of the following provisions of chapter 17 of the Code of the City of Fort Wayne, Indiana of 1985.

1) Section 61: If the violator appears in response to a notice affixed to such motor vehicle within a period of 14 calendar days from the date and time shown on said notice affixed to such motor vehicle, the penalty shall be $5.00. If the violator fails to appear in response to a notice affixed to such motor vehicle within 14 calendar days from the date and time shown on said notice affixed to such motor vehicle the penalty shall be $10.00.

2) Sections 52,65,42,(15), 38, & 42: If the violator appears in response to a notice affixed to such motor vehicle within a period of 14 calendar days from the date and time shown on said notice affixed to such motor vehicle, the penalty shall be $10.00. If the violator fails to appear in response to a notice affixed to such motor vehicle within 14 calendar days from the date and time shown on said notice affixed to such motor vehicle the penalty shall be $20.00.

3) Section 42 (a)(1), 42 (a)(5), 42 (14), 42 (a)(4), 43, 48 (c), & 69.5 (c): If the violator appears in response to a notice affixed to such motor vehicle within a period of 14 calendar days from the date and time shown on said notice affixed to such motor vehicle, the penalty shall be $20.00. If the violator fails to appear in response to a notice affixed to such motor vehicle within 14 calendar days from the date and time shown on said notice affixed to such motor vehicle the penalty shall be $40.00.

Sec. 17-7. Forms for notices of arrest or appearance.

The city clerk shall provide, in triplicate, suitable, serially numbered forms for notifying violators to appear and answer to charges of violating this chapter and other laws and ordinances of this city. Such forms shall be issued to and receipted for by the chief of police or other person acting for him. The city clerk shall each month report to the mayor the disposal made by the police of all triplicate forms issued to them. For this purpose the city clerk or his representative shall have access to the necessary records of the police department. These reports shall be public records. (Ord. 2726, 1)

Sec. 17-8. Procedure upon arrest.

Except when authorized or directed under the state law to immediately take a person arrested for a violation of any traffic law before a magistrate, any police officer, upon making an arrest for violation of the state traffic laws, this chapter or other traffic ordinances of this city, shall take the name, address and operator's license number of the alleged violator and the registered number of the motor vehicle involved, shall issue to him in writing, on the form provided by the city clerk, pursuant to section 17-7, a notice to answer to the charge against him at a place and at a time at least five days after such arrest to be specified in the notice and forthwith release the person arrested from custody. The officer shall send one copy of such notice to the captain of the traffic division and one copy to the traffic violations bureau. (Ord. 2726, 1)

Sec. 17-9. Failure to obey notice or summons.

Any person who fails to appear in response to the notice provided in section 17-8 is guilty of a misdemeanor, regardless of the disposition of the charge for which he was originally arrest. (Ord. 2726, 1)

Sec. 17-10. Notice of illegally parked vehicles.

Whenever any motor vehicle without driver is found parked, standing or stopped in violation of any of the restrictions imposed by this chapter or other ordinance of this city, or by state law, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its owner, and shall conspicuously affix to such vehicle a notice in writing, on the form provided by the city clerk pursuant to section 17-7, for the driver to answer to the charge against him within forty-eight (48) hours. The officer shall send one copy of such notice to the captain of the traffic division. (Ord. 2726, 1)

Sec. 17-11. Failure to comply with notice attached to parked vehicle.

If a violator of the restrictions on stopping, standing or parking under this chapter or other traffic laws or ordinances does not appear in response to a notice affixed to such motor vehicle within a period of forty-eight hours, the traffic violations bureau shall send to the owner of the motor vehicle to which the notice was affixed a letter informing him of the violation and warning him that in the event such violator continues to disregard the notice, a complaint will be filed and warrant for arrest issued. The sending of such letter shall not be deemed jurisdictional. (Ord. 2726, 1)

Section 17-12. Presumption in reference to illegal parking.

In any prosecution charging a violation of any law or regulation governing the stopping, standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such law or regulation, together with proof that the defendant named in the complaint was at the time of such stopping, standing or parking the registered owner of such vehicle shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who stopped, placed or parked such vehicle at the point where, and for the time during which such violation occurred. (Ord. 2726, 1.)

Sec. 17-13. When complaint to be issued.

In the event any person fails to comply with a notice given to such person or attached to a vehicle pursuant to sections 17-8 or 17-9, respectively, or fails to make appearance pursuant to a summons directly an appearance in the violations bureau, the city clerk shall forthwith have a complaint entered against such person and secure and issue a warrant for his arrest. (Ord. 2726, 1.)

ARTICLE II. ENFORCEMENT OF AN OBEDIENCE TO TRAFFIC REGULATIONS

Sec. 17-14. Authority of police officers; authority of members of fire department to assist police at fire.

(a) It shall be the duty of the officers of the police department of this city to enforce all street traffic laws of this city and all state vehicle laws applicable to street traffic in this city.

(b) Officers of the police department of this city are hereby authorized to direct all traffic in conformance with all traffic laws and regulations; provided, that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department shall direct traffic as conditions may require, notwithstanding the provisions of the traffic laws and regulations.

(c) Members of the fire department, when at the scene of a fire, may direct or assist the police in directing the traffic thereat or in the immediate vicinity thereof. (Ord. 2726, 1.)

Sec. 17-15. Obedience to police and fire department officials.

No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer or fire department official. (Ord. 2726, 1.)

Sec. 17-16. Persons propelling pushcarts or riding animals to obey traffic regulations.

Every person propelling any pushcart or riding an animal upon a street, and every person driving any animal drawn vehicle shall be subject to the provisions of this chapter applicable to the driver of any vehicle, except those provisions of this chapter which by their very nature can have no application. (Ord. 2726, 1.)

Sec. 17-17. Use of coasters, roller skates and similar devices restricted.

No person upon roller skates or riding in or by means of any coaster, toy vehicle, except licensed bicycles when operated in accordance with this chapter, or similar device shall go upon any roadway except while crossing a street on a crosswalk, and when so crossing, such person shall be granted all of the rights and shall be subject to all the duties applicable to pedestrians. This section shall not apply upon any street while set aside as a play street as authorized by this chapter. (Ord. 2726, 1.)

Sec. 17-18. Public employees to obey traffic regulations.

The provisions of this chapter shall apply to the driver of any vehicle owned by or used in the service of the United States government, this state, county, township, or this city, and it shall be unlawful for any such driver to violate any of the provisions of this chapter, except as otherwise permitted in this chapter or by state statutes. (Ord. 2726, 1.)

ARTICLE IV. OPERATION OF VEHICLES GENERALLY

Division 1. Generally

Sec. 17-19. When permits required for parades and processions.

No funeral procession or parade containing two hundred or more persons or fifty or more vehicles, excepting the forces of the United States Army or Navy, the military forces of this state, and the forces of the police and fire departments, shall occupy, march or proceed along any right of way except in accordance with a permit issued by the Board of Public Works and Safety, upon the approval by the Police department and Traffic Engineer and such other regulations as are set forth in this chapter which may apply. (Ord. 2726, 1.)

Sec. 17-20. Vehicles not to be driven on sidewalk.

The driver of a vehicle shall not drive in, on or across any sidewalk, except at a permanent or temporary driveway or alley. (Ord. 2726, 1.)

Sec. 17-21. Limitations on backing into intersection.

No driver of vehicle shall back such vehicle across any marked or unmarked crosswalk or into any intersection, nor shall be back such vehicle at any other place, unless such movement can be made with reasonable safety and without interfering with other traffic. (Ord. 2726, 1.)

Sec. 17-22. Limited access roadways.

No person shall drive a vehicle onto or from any limited access roadway, except at such entrances and exists as are established by public authority. (Ord. 2726, 1.)

Sec. 17-23. Boarding or alighting from vehicles.

No person shall board or alight from any vehicle when such vehicle is in motion. (Ord. 2726, 1.)

Sec. 17-24. Unlawful riding.

No person shall ride on any vehicle or upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty, or to persons riding within truck bodies in space intended for merchandise. (Ord. 2726, 1)

Sec. 17-25. Driving through safety zone prohibited.

No driver of a vehicle shall at any time drive through or within a safety zone. (Ord. 2726, 1)

Sec. 17-26. Driving in alleys.

No driver of any vehicle shall drive into, on or through any alley or any portion thereof except for the purpose of going to or departing from a place or property abutting on the section or block of such alley which such driver has caused his vehicle to enter. When such driver is operating or driving such vehicle in, on or through any alley or portion thereof shall not exceed a speed of ten (10) miles per hour (mph). (Ord. 2726, 1.)

Division 2. Speed Regulations

Sec. 17-27. Applicability of state speed laws.

The laws of the state establishing or regulating speed limits for vehicles on public streets or highways shall apply to all public streets or highways within the city, except in the circumstances where, as properly authorized by state law, such limits have been increased or decreased by local authorities on the basis of an engineering and traffic investigation, which has determined such increase or decrease to be safe and reasonable. In such circumstances it shall be unlawful for any person to drive or operate a vehicle in excess of any speed so determined, when signs are in place giving notice thereof. An alphabetical listing of each city street, highway or portion thereof, upon which the speed limit has been increased or decreased by local

authorities of the city, as herein authorized, shall be compiled by the city traffic engineer and shall be known as the "Fort Wayne Speed Limits," who shall make such listing available for public inspection. All changes in such listing by the city traffic engineer or other local authority as herein authorized shall be promptly attached to such listing. For convenience purposes, the traffic engineer may forward a certified copy of such listing, and any subsequent changes, to the court that hears and/or adjudicates violations of local speeding ordinances. (Ord. 2726, 1; Ord. No. S-59-82, 2, 4-13-82)

Sec. 17-28. Increasing state speed limits in certain zones.

It is hereby determined upon the basis of an engineering and traffic investigation that the speed permitted by state law upon those streets or portions thereof described in schedule 2, maintained on file in the office of the traffic engineer, is less than is necessary for safe operation of vehicles thereon by reason of the designation and sign posting of such streets as through highways, or by reason of widely spaced intersections, and it is hereby declared that the prima facie speed limit upon those streets or portions thereof described in schedule 2, maintained on file in the office of the traffic engineer, shall be as therein stated, which speeds so declared shall be effective at the time specified therein when signs are erected giving notice thereof. (Ord. 2726, 1)

Sec. 17-29. Speed limits in public parks.

A speed limit of twenty-five miles per hour shall be declared the prima facie limit upon all streets and roads of the city park system; provided, that at or near hazardous or congested locations, a speed limit less than that specified in this section may be established, and traffic speed control devices installed, when deemed necessary at the discretion of the department of public parks. (Ord. 2726, 1; Ord. G-70, 1)

Division 3. Turns

Sec. 17-30. Limitations on turning around.

No driver of any vehicle shall turn such vehicle so as to proceed in the opposite direction, herein otherwise referred to as a U turn, upon any street in a business district and shall not upon any other street so turn a vehicle unless such movement can be made in safety and without interfering with other traffic or where properly posted by uniform traffic control sign. (Ord. 2726, 1.)

Division 4. Through Streets, Stop Intersections and Yield Intersections

Sec. 17-31. Through streets designated.

Those streets and parts of streets described in schedule 4, maintained on file in the office of the traffic engineer, are hereby declared to be through streets for the purposes of this division. (Ord. 2726, 1.)

Sec. 17-32. Stop signs - Authority to erect.

Whenever this chapter or any ordinance of this city designates and describes a stop intersection or through street, it shall be the duty of the city traffic engineer to place and maintain a stop sign on each street intersecting that portion thereof described and designated in schedules 4 and 5, maintained on file in the office of the traffic engineer, as such by this chapter or any ordinance of this city. (Ord. 2726, 1.)

ARTICLE V. TRAFFIC CONTROL SIGNALS AND DEVICES

Sec. 17-33. When traffic devices required for enforcement purposes.

No provision of this chapter for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place. (Ord. 2726, 1.)

Sec. 17-34. Play streets - Authority to establish.

The Board of Public Works and Safety shall, by resolution adopted in accordance with section 17-4 and upon the written request of the traffic engineering department of the city, have authority to declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same. (Ord. 2726, 1; Ord. G-23-68, 1.)

Sec. 17-35. Same - Operation of vehicles.

Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then any such driver shall exercise the greatest care in driving upon any such street or portion thereof. (Ord. 2726, 1.)

Sec. 17-36. City traffic engineer to designate crosswalks, establish safety zones and mark traffic lanes.

The city traffic engineer is hereby authorized:

(a) To designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where in his opinion there is particular danger to pedestrians crossing the roadway, and at such other places as he may deem necessary.

(b) To establish safety zones of such kind and character and at such places as he may deem necessary for the protection of pedestrians.

(c) To mark lanes for traffic on street pavements or at such places as he may deem advisable, consistent with this chapter or other traffic ordinances of the city. (Ord. 2726, 1.)

ARTICLE VI. STOPPING, STANDING OR PARKING.

Division 1. Generally

Sec. 17-37. Stop when traffic obstructed.

No driver of a vehicle shall enter an intersection or a marked crosswalk unless and until there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed. (Ord. 2726, 1.)

Sec. 17-38. Standing or parking close to curb.

No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of a lawful traffic movement and with the right hand wheels of the vehicle on a two-way street and the right hand or left hand wheels of the vehicle on a two-way street and the right hand or left hand wheels of a vehicle on a one-way street within

twelve inches of the curb or edge of the roadway, except as otherwise provided in this article. No person shall stand or park a vehicle in addition to the foregoing except on or in an authorized area for the purpose of parking or standing of vehicles in any city park; provided, that in no event shall any part or portion of the vehicle, except bicycles be permitted to extend over the outer edge of any curb or roadway or touch any utility, light, traffic device pole, trees or lawn at any time; provided, that this section shall not be deemed to apply to utility, signal and street repair vehicles and park maintenance vehicles when the necessary performance of their primary function requires otherwise. (Code 1946, c. 31, 110; Ord. G-124-71, 1.)

Sec. 17-39. Signs or markings indicating angle parking.

(a) The city traffic engineer shall determine upon what streets angle parking shall be permitted and shall, upon the approval of the Board of Public Works and Safety, by resolution adopted in accordance with section 17-4 mark or sign such streets, but such angle parking shall not be established upon any federal aid or state highway within this city unless the state highway department has determined by resolution or order entered in its minutes, a copy of which is received by the city clerk and certified by him to the Board of Public Works and Safety, that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(b) Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive upon the left-hand side of a two-way street. (Ord. 2726, 1.)

Sec. 17-40. Obedience to angle parking signs or markings.

Upon those streets which have been signed or marked by the city traffic engineer for angle parking under the provisions of section 17-39 no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings. (Ord. 2726, 1.)

Sec. 17-41. Permit for backing to curb for purpose of loading or unloading.

(a) The chief of police or an officer designated by him is authorized to issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of the property to be served or to the owner of the

vehicle involved, shall be limited to one particular place and one particular occasion or day, and shall grant to such person the privilege as therein stated and authorized herein; and it shall be unlawful for any permittee or other person to violate any of the special terms of conditions of any such permit.

(b) Notwithstanding the existence of a curb loading zone, no driver shall back a vehicle against a curb to load or unload unless the driver of the vehicle holds a permit issued by the chief of police granting him such privilege, and such permit shall be either in the possession of the driver or on the vehicle at the time such vehicle is backed against the curb to take on or discharge a load, and it shall be unlawful for any owner or driver to violate any of the special terms or conditions of any such special permit. (Ord. 2726, 1.)

Sec. 17-42. Parking prohibited in specified places.

(a) No person shall park a vehicle except when necessary to avoid conflict with other traffic or in compliance with law or the direction of a police officer or traffic control device in any of the following places:

(1) On a sidewalk or otherwise between the curb lines or lateral lines of any roadway and the adjacent property lines.

(2) Within 5 feet of a public or private driveway and/or alley.

(3) Within an intersection.

(4) Within fifteen feet of a fire hydrant.

(5) On a crosswalk.

(6) Within twenty feet of a crosswalk at an intersection.

(7) Within 30 feet upon the approach to any flashing beacon, stop sign, yield sign, or traffic control signal located at the side of the roadway or located overhead in some fashion.

(8) Between a safety zone and the nearest curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless the city traffic engineer has indicated a different length by signs or markings.

(9) Within fifty feet of the nearest rail of a railroad crossing.

(10) Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance of any fire station within seventy-five feet of such entrance, when properly sign posted.

(11) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.

(12) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.

(13) Upon any bridge or other elevated structure upon a highway or within a highway tunnel.

(14) At any place where official signs prohibit parking.

(15) Upon any street for any period of time longer than twenty-four (24) continuous hours, except on Saturdays, Sundays and holidays; provided, that this section shall not be deemed to apply to utility, signal and street repair vehicles when necessary performance of their primary function requires otherwise.

(16) Upon any portion of residential property other than in a driveway, or as otherwise permitted upon the street or alley adjacent to said residential real estate.

(b) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

(c) The only vehicles to be permitted to be parked in residential districts in the city shall be:

(1) Operable automobiles, vans and motorcycles, and no such automobiles, van or motorcycles shall be parked other than in the driveway, street or alley of said residential districts.

(2) Operable recreational vehicles, campers, boats and small (one-ton, panel or pick-up) trucks which shall only be parked in the driveway or alley of said residential districts but not in the street.

(d) The following vehicles will not be permitted to be parked in said residential districts: semi trucks, truck-tractors, farm tractors, road tractors, semitrailer, pull-trailers, or other commercial vehicles; school buses, church buses, or inoperable automobiles, vans, motorcycles, recreation vehicles, campers, boats and trucks.

(e) Permitted and prohibited parking in residential Districts is summarized as follows:

Parking of Vehicles in Residential Districts

	Driveway	Street	Alley	*Yard
17-42(c)(1):				
Operable automobiles	Yes	Yes	Yes	No
Operable vans	Y	Y	Y	N
Operable motorcycles	Y	Y	Y	N
17-42(c)(2):				
Operable recreational vehicles	Y	Y	Y	N
Operable campers, boats	Y	N	Y	N
Operable small (one-ton, panel or pickup) trucks	Y	N	Y	N
17-42(d):				
Inoperable automobiles	N	N	N	N
Inoperable vans	N	N	N	N
Inoperable motorcycles	N	N	N	N
Inoperable recreational vehicles	N	N	N	N
Inoperable campers, boats	N	N	N	N
Inoperable small (one-ton, panel or pick-up) trucks	N	N	N	N
17-42(d):				
Operable or inoperable semitrucks	N	N	N	N
Operable or inoperable truck-tractors	N	N	N	N
Operable or inoperable farm tractors	N	N	N	N
Operable or inoperable road tractors	N	N	N	
Operable or inoperable semitrailers	N	N	N	N
Operable or inoperable pull trailers	N	N	N	N

Parking of Vehicles in Residential Districts

	Driveway	Street	Alley	*Yard
Operable or inoperable other commercial vehicles	N	N	N	N
Operable or inoperable school buses	N	N	N	N
Operable or inoperable church buses	N	N	N	N

*Yard includes back, sides, parkways, and curb/parkway overlap

(f) The prohibition against parking of operable automobiles, vans or motorcycles other than in driveways, streets or alleys in residential districts in violation of sections 17-42-(a)(16) and 17-42(c)(1) and the prohibition of all inoperable vehicles and all other operable or inoperable commercial vehicles from being parked in the driveway, alley or yard of a residential district in violation of section 17-42(d) shall be enforced by the Board of Public Works and Safety of the city. All other violations of section 17-42 shall be enforced by the police department of the city. (Ord. 2726, 1; Ord. 2737, 1; Ord. 2755, 1; Ord. G-88-70, 1; Ord. No. G-15-84, 1, 7-24-84)

Sec. 17-43. Parking not to obstruct traffic.

No person shall park any vehicle upon a street in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway unobstructed for the free movement of vehicular traffic. (Ord. 2726, 1)

Sec. 17-44. Parking in alleys.

No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic, except while loading or unloading, and no person shall stop, stand or park a vehicle within an alley in such positions as to block the driveway entrance to any abutting property. (Ord. 2726, 1)

Sec. 17-45. All-night parking prohibited.

No person, except physicians on emergency calls, shall park a vehicle between the hours of 2:00 a.m. and 6:00 a.m. on the days and streets or sides of streets described in schedule 6 maintained on file in the office of the traffic engineer. (Ord. 2726, 1)

Sec. 17-46. Parking for certain purposes prohibited.

No person shall park a vehicle upon any roadway for the principal purpose of:

(a) Displaying such vehicle for sale or for the primary purpose of advertising any product or thing whatsoever.

(b) Greasing or repairing such vehicle, except repairs necessitated by an emergency. (Ord. 2726, 1; Ord. 2750, 1)

Sec. 17-47. Parking adjacent to schools.

(a) The Board of Public Works and Safety, by resolution adopted in accordance with section 17-4 is hereby authorized to restrict parking upon that side of any street adjacent to any school property for the period of time when, in its opinion, parking would interfere with traffic or create a hazardous situation.

(b) When official signs are erected under the provisions of this section, indicating no parking upon that side of a street adjacent to any school property, no person shall park a vehicle in any such designated place. (Ord. 2726, 1)

Sec. 17-48. Stopping, standing or parking near hazardous or congested places.

(a) The Board of Public Works and Safety, by resolution adopted in accordance with Sec. 17-4, is hereby authorized to determine, and have designated by proper signs, places not exceeding one hundred and fifty (150) feet in length in which the stopping, standing or parking of vehicles would create a hazardous condition or would cause unusual delay in traffic.

(b) When official signs are erected at hazardous or congested places under the provisions of this section, no person shall stop, stand or park a vehicle in any such designated place. (Ord. 2726, 1)

(c) "Fire Lanes". When a fire lane has been designated, all vehicles parked in said fire lane can be ordered to be removed and/or towed by either the fire department or police department as described in schedule 29 on file of the Traffic Engineer.

Sec. 17-48.1. Fines for residential illegal parking.

Any person, violating any provision of Section 17-42 (a)(16), 17-42(c)(1), 17-42 (c)(2), 17-42(d), 17-42(e), 17-42(f) & 17-70, this article outlined herein under the jurisdiction of the Board of Public Works and Safety shall be immediately fined, without prior notice, as follows:

Inoperable and/or abandoned vehicles	$50.00
Illegal vehicles in residential area	$25.00
Operable vehicles in yard	$25.00

Each and every day such violation is committed or is permitted to continue shall constitute a separate offense and shall be punishable as such. All fines shall be payable to the Violations Bureau located in the Office of the City Clerk of Fort Wayne, Indiana.

Division 2. Restricted or Prohibited on Certain Streets

Sec. 17-49. Applicability of division.

The provisions of this division prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified and as indicated on official signs, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device. (Ord. 2726, 1.)

Sec. 17-50. Regulations not exclusive.

The provisions of this division imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times or under specified conditions. (Ord. 2726, 1.)

Sec. 17-51. Parking prohibited at all times on certain streets.

When signs are erected pursuant to this division giving notice thereof, no person shall park a vehicle at any time upon any of the streets described in schedule 7, maintained on file in the office of the traffic engineer. (Ord. 2726, 1.)

Sec. 17-52. Parking prohibited during certain hours on certain streets.

When signs are erected in each block pursuant to this division giving notice thereof, no person shall park a vehicle between the hours specified in schedule 8, maintained on file in the office of the traffic engineer, of any day except Sundays and holidays within the district or upon any of the streets described in schedule 8. (Ord. 2726, 1.)

Sec. 17-53. Stopping, standing or parking prohibited during certain hours on certain streets.

When signs are erected in each block pursuant hereto giving notice thereof, no person shall stop, stand or park a vehicle between the hours specified in schedule 9, maintained on file in the office of the traffic engineer, of any day except Sundays and holidays within the district or upon any of the streets described in schedule 9. (Ord. 2726, 1.)

Sec. 17-54. Parking time limited on certain streets.

(a) One-hour parking. When signs are erected in each block pursuant to this division giving notice thereof, no person shall park a vehicle for longer than one hour at any time between the hours of 8:00 A.M. and 6:00 P.M. of any day except Sundays and holidays within the district or upon any of the streets described in schedule 10, maintained on file in the office of the traffic engineer.

(b) Ninety-minute parking. When signs are erected in each block pursuant to this division, giving notice thereof, no person shall park a vehicle for longer than ninety minutes at any time between the hours of 8:00 A.M. and 6:00 P.M. of any day except Sundays and holidays within the district or upon any of the streets described in Schedule 11, maintained on file in the office of the traffic engineer.

(c) Two-hour parking. When signs are erected in each block pursuant to this division giving notice thereof, no person shall park a vehicle for longer than two hours at any time between the hours of 8:00 A.M. and 6:00 P.M. of any day except Sundays and holidays within the district or upon any of the streets described in schedule 12, maintained on file in the office of the traffic engineer.

(d) Three-hour parking. When signs are erected in each block pursuant to this division giving notice thereof, no person shall park a vehicle for longer than three hours at any time between the hours of 8:00 A.M. and 6:00 P.M. of any day except Sundays and holidays within the district or upon any of the streets described in schedule 13, maintained on file in the office of the traffic engineer.

(e) Thirty-minute parking. When signs are erected in each block pursuant to this division giving notice thereof, no person shall park a vehicle for longer than thirty minutes at any time between the hours of 8:00 A.M. and 6:00 P.M. of any day except Sundays and holidays within the district or upon any of the streets described in schedule 14, maintained on file in the office of the traffic engineer. (Ord. 2726, 1.)

Sec. 17-55. Parking signs required.

Except as provided in section 17-42, whenever by this chapter or by any other ordinance of this city any parking time limit is imposed or parking is prohibited on designated street, it shall be the duty of the city traffic engineer to erect appropriate signs giving notice thereof, and no such regulation shall be effective unless such signs are erected and in place at the time of any alleged offense. (Ord. 2726, 1; Ord. 6-05-76, 1.)

Division 3. Metered Parking

Sec. 17-56. Definitions.

For the purposes of this division, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Parking meter. Any mechanical device or meter, not inconsistent with this division, placed or erected for the regulation of parking by authority of this division and indicating by proper legend thereon the legal parking time established for the parking meter space to which it is adjacent, the balance of the legal parking time for such space and, at the expiration of such period, that the use of such space is illegal.

Parking meter area. The area or section within the city bounded by the boundaries of the city as duly established by law, and all the area, space, streets, avenues, roads, alleys, highways, lanes, paths and other public places and thoroughfares within the foregoing boundaries and inclusive of the above mentioned streets on both sides thereof.

Parking meter space. Any space within a parking meter zone, adjacent to a parking meter and duly designated for the parking of a single vehicle by lines painted or otherwise durably marked on the curb adjacent thereto or upon the surface of the street upon which the same is located.

Parking meter zone. Any street or portion of a street and any lot or portion of a lot upon which parking meter spaces are laid out and designated and parking meters installed. (Ord. 2726, 1; Ord. G-112-67, 1; Ord. G-110-71, 1.)

Sec. 17-57. Authority of Board of Public Works and Safety.

The Board of Public Works and Safety of the city is hereby authorized and empowered:

(a) To enter into any contract for rental, purchase, acquisition, installation, regulation, use, operation, maintenance, repair, servicing and supplying of parts and replacements for parking meters, as the same may be necessary to carry out its authority hereunder, and to provide payment therefor exclusively from the funds, receipts and revenues obtained by the city from the operation and use of such parking meters without in anywise obligating the city to pay for the same from funds derived from any other sources, and to do any and all things or acts necessary and appropriate to carry out and place in effect the purposes and intent of this division, including the determination and establishment of the specifications to be required in the purchase, lease or other acquisition of parking meters.

(b) Within the parking meter area only, and upon the advice of the traffic engineer, to locate, determine and establish parking meter zones and parking meter spaces within such zones; provided, that such parking meter spaces shall be designated and marked out or caused to be marked out by such board by lines or marks painted or durably marked on the curbing or surface of the street about or alongside of each parking meter space for which a parking meter is to be installed and placed in use and within which lines each vehicle using such space shall park; provided, that in no event shall any parking meter zone or parking meter space be established in, upon or along any taxi stand, bus stop, loading zone or the farmer's and producer's retail market on Barr Street in this city or the portion of any street upon which parking is completely prohibited under and by virtue of this chapter or any other ordinances of this city or of the state; except, that as to loading zones such parking meter zones and parking meter spaces may be designated and established for use beginning with the end of the designated period for which such space or zone is set aside for loading purposes only and up to the time when such use again begins, and except, that as to the farmer's and producer's retail market on Barr Street in this city, such spaces may be designated and established for use during times other than duly established market hours.

(c) To determine and establish the size and measurements of parking meter spaces.

(d) To install and place parking meters upon the curb, sidewalk or space adjacent to and alongside of or near each parking meter space established and marked out or caused to be marked out by such board; provided, that each parking meter shall be installed and placed so as to show or display a signal that the parking meter space alongside of or adjacent to it is or is not in use and showing lawful parking and use of such parking meter space upon the deposit of the appropriate coins, lawful money of the United States of America, therein for the period of time prescribed as the parking limit established therefor and so as to indicate, upon the expiration of the lawful parking period or time limit, a proper visible signal that lawful parking has expired.

(e) To determine, subject to approval by the common council of the city, by resolution duly adopted, the license fee to be charged and collected through and by use of the parking meter for each particular parking meter zone and parking meter space designated and marked out by such board and for which a parking meter is installed; provided, that the maximum time limit for which such parking meter space may be used by payment of such license fee through the deposition of coin or coins in such parking meter shall be as prescribed by section 17-55 and the schedules referred to therein or made a part thereof and by any amendments, changes or additions thereto hereafter duly enacted.

(f) To employ individual persons to carry out the enforcement of the parking limitations in the parking meter zones and to perform the duty of removing from parking meters the coins deposited in such meters and to deliver such coins to the city controller, who shall count them and deposit the same with the city treasurer in the special fund designated in section 17-61. Any individual person so employed by the Board of Public Works and Safety shall be paid by it at rates determined by the board of public works and approved by the common council of the city, out of such special fund. The Board of Public Works and Safety of the city shall deputize such individual person as special police, whereupon such individual person shall have the power and authority to prepare, sign and deliver or post notices of violation of any parking limitations in any parking meter zone or parking meter space in accordance with the provisions of this chapter. Every such person shall furnish a bond in the penal sum of five thousand dollars conditioned upon his faithful performance of his duties hereunder, which bond shall run in favor of the city. (Ord. 2726, 1.)

Sec. 17-58. Duty of driver to deposit coin.

Except in any period of emergency determined by an officer of the fire or police departments of this city, or in compliance with the direction of a police officer or a traffic control sign or signal of this city or of the state, when any vehicle shall be parked in any parking meter space, the driver of such vehicle shall, upon entering such parking meter space, immediately deposit or cause to be deposited in the parking meter adjacent thereto such proper coin of the United States of America as is required for such parking meter as designated by direction thereon, and by regulation of the Board of Public Works and Safety approved by resolution of the common council of this city, and shall also set in operation the timing mechanism on such meter in accordance with the directions thereon. Upon the deposition of such coin and the setting of the timing mechanism in operation, such parking meter space may be lawfully occupied by such vehicle during the period of time prescribed therefor; provided, that any person placing a vehicle in a parking meter space adjacent to a meter which indicates that unused time has been left in such meter by the previous occupant of such space shall not be required to deposit a coin so long as his occupancy of such space does not exceed the unused time indicated on such meter. (Ord. 2726, 1.)

Sec. 17-59. Enforcement.

It shall be the duty of the police department, and parking control officers as appointed by the Board of Public Works and Safety of this city to enforce the provisions of this division. (Ord. 2726, 1.)

Sec. 17-60. Parking meter fund.

All license fees collected from parking meters as provided in this article shall be deposited by the city controller with the city treasurer to the credit of the city in a special fund to be known as the "parking meter fund", which such special fund shall be disbursed and paid out only under the orders and direction of the Board of Public Works and Safety for the following purposes only:

(a) The payment of the purchase price, rental fees and cost of installation of parking meters.

(b) The payment of the cost of maintenance, operation, repair and other incidental costs and expenses in the operation of parking meters and parking meter zones and spaces, including incidental costs and expenses such as clerical and bookkeeping expense in the handling and keeping of records of fees collected and expended.

(c) The payment of the cost of traffic signal devices used in the city, and the repair and maintenance of any of the public streets and highways in such city where parking meters are in use and upon all streets connected therewith.

(d) The acquisition by lease or purchase of suitable land for off-street parking purposes, the improvement and maintenance of such land and the purchase, installation and maintenance of parking meters thereon. (Ord. 2726, 1.)

Sec. 17-61. Violations.

It shall be unlawful and a violation of the provisions of this division for any person:

(a) To cause, allow, permit or suffer any vehicle registered in the name of or operated by such person to be parked overtime or beyond the period of legal parking time established for the street or portion of a street upon which any parking meter zone or space is designated and marked out or caused to be marked out by the Board of Public Works and Safety of this city, or to deposit in any parking meter any coin for the purpose of parking beyond the maximum legal parking time for the particular parking meter zone or parking meter space or for the street or portion of a street upon which such zone or space is located.

(b) To permit any vehicle to remain or be placed in any parking meter space while the parking meter adjacent thereto is displaying a signal indicating that the vehicle occupying such parking meter space has already parked beyond the period prescribed for such space.

(c) To park any vehicle across any line or marking of a parking meter space or in such position that the vehicle is not entirely within the area designated by the lines or markings designating such parking meter space.

(d) To fail to deposit the proper coin required by the parking space in which any vehicle operated by such person is parked.

(e) To deface, injure, damage, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter installed under the provisions of this article.

(f) To deposit or cause to be deposited in any parking meter any slugs, device or metal substance or other substitute for lawful coins. (Ord. 2726, 1.)

Sec. 17-62. Fines.

(a) All violations outlined in divisions 1, 2, & 3 are considered separate and additional violations, each and every hour such violation occurs, unless otherwise specified in this chapter.

(b) All fines delinquent in payment for 14 calendar days or longer from the date of the violation will be double the original fine, unless otherwise specified in this chapter.

(c) A fine schedule shall be maintained in the office of the City Clerk.

Sec. 17-63. Records and reports of Board of Public Works and Safety.

The Board of Public Works and Safety of this city shall make due record in the journal of its proceedings of all parking meter zones, parking meter spaces, recommended license fees and other regulations adopted and actions taken by it pursuant to this division. Such board shall promptly forward to the common council of this city a certified copy of all such actions, minutes and regulations. Such board shall, annually during January of each year, prepare and file with the common council of this city a complete written report of all its doings and actions under and pursuant to the provisions of this division for and during the immediately prior calendar year. (Ord. 2726, 1.)

Division 4. Stopping for Loading and Unloading Only

Sec. 17-64. Board of Public Works and Safety to designate curb loading zones.

The Board of Public Works and Safety, by resolution adopted in accordance with section 17-4, is hereby authorized to determine the location of passenger and freight curb loading zones, and it shall have placed and maintained appropriate signs indicating the same and stating the hours during which the provisions of this section are applicable. (Ord. 2726, 1.)

Sec. 17-65. Stopping, standing or parking in passenger curb loading zone.

No person shall stop, stand or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone pursuant to section 17-66 during the hours

when the regulations applicable to such curb loading zone are effective, and then only for a period not to exceed three (3) minutes. (Ord. 2726, 1.)

Sec. 17-66. Stopping, standing or parking in freight curb loading zone.

No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pick-up and loading of materials in any place marked as a freight curb loading zone pursuant to section 17-64 during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed thirty (30) minutes. (Ord. 2726, 1; Ord. 2737, 1.)

Sec. 17-67. Board of Public Works and Safety to designate public carrier stands.

The Board of Public Works and Safety, by resolution adopted in accordance with section 17-4, is hereby authorized and required to establish bus stops and taxicab stands and stands for other passenger common carrier motor vehicles or passenger vehicles for hire on such public streets, in such places and such manner as it shall determine to be of the greatest benefit and convenience to the public, and every such bus stop, taxicab stand or other stand shall be designated by appropriate signs; provided, that no taxicab stand shall be designated for the particular use of any one company. (Ord. 2726, 1.)

Sec. 17-68. Parking of taxicabs regulated.

No driver of a taxicab shall park such vehicle upon any street in any business district at any place other than at a duly designated taxicab stand; except, that this provision shall not prevent the driver of any such vehicle from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaging in loading or unloading passengers. (Ord. 2726, 1.)

Sec. 17-69. Restricted use of bus and taxicab stands.

No person shall stop, stand or park a vehicle other than a common carrier of passengers vehicle in a bus stop, or other than a taxicab in a taxicab stand, when any such stop or stand has been officially designated pursuant to section 17-69 and appropriately signed; except, that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab in, departing from, waiting to enter or about to enter such zone. (Ord. 2726, 1.)

Division 5. Parking for Persons With Impaired Mobility*

Sec. 17-69.1. Definition.

"Impaired mobility person" as used in this division means a person who:

(1) Has permanently lost the use of at least one leg; or

(2) Is so severely permanently disabled as to be unable to move without the aid of crutches or a wheelchair; or

(3) Submits a signed statement on a city form from a physician, certified that such person is permanently disabled in a manner rendering it difficult and burdensome for such person to walk for an extended period of time. (Ord. No. G-18-83, 2, 6-28-83)

Sec. 17-69.2. Designated parking spaces authorized.

(a) The Board of Public Works and Safety is hereby empowered to designate space in city-owned parking lots and on city streets, including parking lots titled in the name of any city department, board, agency or commission, which shall be set aside for the exclusive use of impaired mobility persons. Such handicapped parking spaces shall be clearly and distinctly marked so as to indicate that such spaces are reserved for the use of impaired mobility persons. The number of designated parking spaces shall be in accordance with applicable state statutes.

(b) Private property owners and those residents who wish to participate under this division shall notify the city traffic engineering department in writing on city application form, of the number and specific location of each parking space to be designated for impaired mobility parking by September 1, 1983. Subsequent requests shall be submitted to city traffic engineering. After review of such designation by city traffic engineering and after approval by the Board of Public Works and Safety, such spaces shall be designated with the appropriate signs, as determined by city traffic engineering in accordance with the Indiana Manual on Uniform Traffic Control Devices. Only those signs that satisfy the requirement of the Indiana manual shall be enforced.

The private property owner shall be responsible for the cost of such sign at a price equivalent to the cost incurred by city's traffic engineering. In addition, the private property owner shall maintain such signs.

To facilitate participation by private property owners hereunder, the Board of Public Works and Safety shall cause an agreement to be prepared that will be executed by the city and participating private property owners, said agreement to be in conformance with IC 9-4-14-1 et seq. Private property owners shall allocate the appropriate number of designated restricted parking spaces in accordance with applicable state statutes and Indiana construction rules.

(c) Where designated parking spaces are requested and needed on city streets, it shall be the responsibility of the petitioner to provide a petition signed by least fifty-one (51) per cent of the residents on both sides of the affected block of said street. Requests for the permanent placement of an approved sign shall be submitted in writing on city application form to the city traffic engineering department by September 1, 1983. Subsequent requests shall be submitted to the city traffic engineering department. After review of such request and approval by the Board of Public Works and Safety, such spaces shall be designated with appropriate signs. Purchase, installation and maintenance of the signs and posts shall be paid by the petitioner through city traffic engineering department. Only one permit will be granted to a resident or petitioner. (Ord. No. G-18-83, 3, 6-28-83)

Sec. 17-69.3. Application and permit.

(a) Any person for or on behalf of any impaired mobility person who does not have disabled veteran registration plate(s) or special registration plate(s) may file an application for a Fort Wayne impaired mobility parking permit with the city clerk. The application shall state the following:

(1) Name, address and telephone number of the impaired mobility person;

(2) A statement as to the fact that the applicant is an impaired mobility person within the meaning of section 17-71.1 and if section 17-71.1(3) applies, then applicant shall submit a signed statement from a physician certifying that such applicant is permanently disabled in a manner rendering it difficult and burdensome for such person to walk for an extended period of time.

(b) The permit, as issued, shall be portable and same shall be clearly displayed and visible in the windshield of the vehicle in question.

(c) The permit cost shall be one dollar ($1.00) payable to the city clerk which sum is charged to simply cover the cost of the city in issuing such permits. Such permits shall be valid as long as the applicant remains an impaired mobility person within the meaning of this division and at any time that such applicant is no longer an impaired mobility person an individual shall cease using such permit. (Ord. No. G-18-83, 4, 6-28-83.)

Sec. 17.69.4. Restricted parking.

No person shall stop, stand or park a vehicle in a space designated for impaired mobility parking unless the vehicle bears a license plate or decal issued by the State of Indiana containing the international wheelchair symbol or such other symbol as the commission of the bureau of motor vehicles of the State of Indiana or any other state shall designate to distinguish a vehicle used by or to transport an impaired mobility person; or unless the vehicle has clearly displayed in the windshield thereof a permit issued hereunder by the Board of Public Works and Safety. (Ord. No. G-18-83, 5, 6-28-83)

Sec. 17-69.5. Fines and penalties.

(a) Failure to do any act required by this division or acting in a manner prohibited by this division shall constitute a violation.

(b) A person who falsely represents himself/herself as having the qualification to obtain a Fort Wayne impaired mobility permit will be fined up to a maximum of one hundred dollars ($100.00) and have such person's permit revoked.

(c) Any motor vehicle parking in areas designed for the exclusive use of impaired mobility persons which does not bear a disabled veteran registration plate, a space registration plate, or display a Fort Wayne impaired mobility parking permit, shall be ticketed at the owner's expense. The fine shall be $20.00 for each violation. (Ord. No. G-18-83, 6, 6-28-83)

ARTICLE VII. ABANDONED VEHICLES

Sec. 17-70. Generally.

It shall be unlawful for any person to abandon any vehicle on any public or private premises within the city or to leave any vehicle at any place within the city for such time and under circumstances which would reasonably make such vehicle appear to have been abandoned. No person shall leave any partially dismantled, non-operating, wrecked or junked vehicle on any public or private premises within the city. (Ord. G-16-74, 1.)

Sec. 17-71. Removal by Board of Public Works and Safety.

The Board of Public Works and Safety shall and is hereby denominated as the "public agency" which shall be responsible for the removal, storage and disposal of abandoned vehicles, as designated in the "Abandoned Vehicle Act," and in order to facilitate the removal of such abandoned vehicles or parts, the Board of Public Works and Safety may employ such personnel and acquire such equipment, property and facilities as are necessary for the purpose of removal, storage and disposition of such abandoned vehicles, not in conflict with the "Abandoned Vehicle Act", or the Board of Public Works and Safety may contact with private towing firms or individuals in such business on an annual basis to provide the equipment, storage area and facilities for the removal and disposal. (Ord. G-16-74, 2.)

Sec. 17-72. Disposal; junk vehicle fund.

The Board of Public Works and Safety shall establish at periodic times and places for the sale or disposal of all such vehicles impounded under this article. Any monies received shall be placed in the "junk vehicle fund". (Ord. G-16-74, 3.)

Sec. 17-73. Adoption of state law.

All of the powers, purposes, provisions and definitions contained in such "Abandoned Vehicle Act" are now incorporated by reference in this article and made a part thereof. (Ord. G-16-74, 4.)

Sec. 17-74. Removal by owner; execution of waiver.

The owner of such abandoned or junk vehicle may in lieu of the above provisions voluntarily provide for the removal and disposal of such vehicle by executing an abandoned vehicle removal waiver with the Board of Public Works and Safety. (Ord. G-16-74, 5.)

Sec. 17-75. Violations; penalties.

Any person violating any provision of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in the amount not exceeding three hundred dollars ($300). Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. (Ord. G-16-74, 6; Ord. No. G-37-77, 1, 9-27-77)

ARTICLE VIII. NOISE

Sec. 17-76. General.

It shall be unlawful for any person to make any noise, disorder or tumult to the disturbance of the peace and quietude of the city or to the annoyance of any of its inhabitants, or to permit such noise, disorder or tumult to be made in or about his house or premises and the same is hereby declared to be a public nuisance.

The following acts are declared to be a public nuisance, but the enumeration of the particular offenses hereinafter particularly defined shall not be construed as limiting the generality of this section, or limiting the offenses hereunder to the particular offenses hereinafter enumerated:

(a) The sounding of any horn or signal device on any automobile, motorcycle, but, streetcar or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by mens of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

(b) The use of any automobile, motorcycle or vehicle with appurtenances attached thereto so as to create loud or unnecessary grating, grinding, rattling or other noise.

(c) Sounding any siren or other noise-making or noise-producing device within the quiet zone as designated by appropriate signs or any hospital or sanitarium in the city.

The provisions of this section shall not apply to celebrations on Halloween and legal holidays and celebrations in connection with duly authorized parades. (Code 1946, ch. 19, 24)

Sec. 17-76.1. Same - Vehicular.

(a) Scope. This section shall apply to the control of all noise caused by light motor vehicles and originating within the limits of the City of Fort Wayne, Indiana.

(b) Definitions. For the purposes of this section, the following definitions apply:

(1) A-weighted sound level: The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated db(A) or dBA.

(2) Decibel (db): A unit for measuring the volume of a sound, equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals (20 micronewtons per square meter).

(3) Light motor vehicles: Any automobile, van, motorcycle, motor-driven cycle, motorscooter, dune buggy, snowmobile, all-terrain vehicle, go-car, minibike, trail bike, and truck with gross vehicular weight of less than eight thousand (8,000) pounds.

(4) Modified and defective exhaust systems: An exhaust system in which the original noise abatement devices have been physically altered causing them to be less effective in reducing noise, or the original noise abatement devices which are not as effective in reducing noise as their original devices, or devices have been added to the original noise abatement devices such that noise levels are increased.

(5) Noise level: The A-weighted sound level produced by a motor vehicle.

(6) Person: Any individual, association, partnership or corporation which includes any officer, employee, department, agency or instrumentality.

(7) Sound level meter: An instrument which includes a microphone, amplifier, RMS detector, integrator or time average, output meter, and weighting networks used to measure sound pressure levels. Such instrument shall be used for measurement of the intensity of sound and calibrated in decibels as standardized by the American National Standards Institute (ANSI). Readings shall be made on a db(A) scale.

(8) Traffic noise: Sound made by a motor vehicle operated either on the public right-of-way or private property.

All definitions and terminology used in this Code, as defined above, shall be defined in conformance with any applicable publication of the American National Standards Institute (ANSI), or its successor body.

(c) Noise limit. It shall be unlawful for any person to cause noise levels from the operation or use of light motor vehicles in excess of eighty-three (83) db(A) in any area within the corporation limits of the City of Fort Wayne, Indiana, at any time. Such noise level limit shall be measured at a distance of not less than fifteen (15) feet from the noise source.

(d) Excessive noise prohibited. It shall be unlawful for any person to operate, cause to operate or use a light motor vehicle such as to cause excessive noise levels as a result of a defective or modified exhaust system, or as a result of unnecessary rapid acceleration, deceleration, revving or tire squeal, or as the result of the operation of audio devices such as but not limited to radios, phonographs, and tape players on or from such vehicle.

(e) Exemptions. The following are exempted from the provisions of this section:

(1) Sound emitted from sirens of authorized emergency vehicles.

(2) Lawnmowers, garden tractors, and similar home power tools when properly muffled, for up to two (2) hours per day between the hours of 8:00 A.M. and 8:00 P.M.,

(3) Burglar alarms on light motor vehicles of the electronic signaling type which transmit a nonaudible signal to a receiver which can be carried by the owner or operator of the vehicle; and

(4) Celebrations on Halloween and legal holidays and celebrations in connection with duly authorized parades.

(f) Prosecution.

(1) In any criminal prosecution for a violation of this section, the court may admit evidence of a noise level as tested by a sound level meter which meets or exceeds the American National Standard Institute (ANSI) specifications for Type II equipment. A person shall be found guilty of violation of this section for the emission of the

excessive noise from or on any motor vehicle source in excess of the limitations established herein.

(2) It shall be unlawful for any person to violate the provisions of this section. Whenever any police officer makes an arrest for violation of this section, he shall take down the name, address, operator's license number and registration number of the vehicle if readily available and shall issue to the alleged violator in writing on the form provided by the city clerk, a citation for a violation of this section. Upon conviction of violation of this section, the violator shall be punished a fine not less than fifty dollars ($50.00) nor more than two hundred fifty dollars ($250.00).

(g) Payment of fines. All fines and penalties shall be payable to the violations bureau located in the office of the city clerk of Fort Wayne, Indiana.

(h) Remedy noise source. Within seven (7) days, the person shall repair or remedy the source of the excessive noise from the vehicle and have the vehicle checked by a noise pollution police officer. If the vehicle is being sold, the noise source must first be corrected. 9Ord. No. G-13-80, 1, 7-22-80; Ord. No. G-06-81, 1, 4-28-81)

ARTICLE IX. BUSES, TRUCKS AND OTHER HEAVY VEHICLES

Sec. 17-77. Intercity buses - Routes.

Any intercity common carrier of passengers, duly authorized to operate upon the streets of this city, shall operate its vehicles and maintain and provide service only upon the routes as number and described in schedule 15, maintained on file in the office of the traffic engineer. (Ord. 2726, 1.)

Sec. 17-78. Same - Loading zones.

No intercity common carrier or passenger vehicle shall stop, stand or park within the business district of this city, except at the loading zones described in schedule 16, maintained on file in the office of the traffic engineer. (Ord. 2726, 1.)

Sec. 17-79. Other city buses - Routes.

Any common carrier of passengers, other than intercity, duly authorized to operate upon the streets of this city shall operate its vehicles only on the routes prescribed in the franchise agreement between this city and such carrier. (Ord. 2726, 1.)

Sec. 17-80. Same - Loading zones.

Every common carrier of passengers vehicle, other than intercity, shall stop for the purpose of loading or unloading passengers within this city only at either (1) loading zones from time to time duly determined, designated and signed by the Board of Public Works and Safety, or

(2) In the absence of such a duly determined, designated and signed loading zone, in any block at such place in the block as the operator of such vehicle shall determine from time to time to be in the safety and convenience of the passengers. (Ord. No. 2726, 1; Ord. 2737, 1.)

Sec. 17-81. Restrictions on loading and unloading buses.

No common or contract carrier of passengers vehicle shall load or unload any passengers until such vehicle is parallel to the curb and not more than one foot distant therefrom, except when prevented from so doing by an obstruction or other condition beyond its control. If there is no curb, all loading and unloading shall be done in such a manner as to cause no obstruction to the regular flow of traffic. (Ord. 2726, 1, Ord. 2737,1)

Section 17-82. Definitions

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(a) "City" is the City of Fort Wayne

(b) "County" is Allen County, Indiana.

(c) "Deviating Truck" is a truck which leaves and departs from a truck route while travelling inside the City.

(d) "Person" is any person, firm , partnership, association, corporation, company or organization of any kind.

(e) "Truck" is any vehicle designed or operated for the transportation of property, and which is licensed to carry a combined body and load weight exceeding 30,000 pounds.

(f) "Truck Route" is a way over certain streets, as designated herein, over and along which trucks coming into and going out of the City must operate.

(g) "Residential Area" is a combination of contiguous city blocks having the majority of land use patterns whose primary use can be seen to be residential in nature as described in the Zoning Map maintained on file in the office of the Traffic Engineer.

Section 17-83. Application of Regulation.

(1) (a) the deviation of a truck from a designated truck route, providing the truck:

1.) has a destination point in Allen County, and

2.) remains on the designated truck route it reaches the intersection nearest its destination point.

(b) the deviation of a truck from a designated truck route, providing the truck:

1.) has an origination point not on a designated truck route, and

2.) proceeds from its place or origination along the most direct path to a designated truck route.

(c) Emergency Vehicles. The operation of emergency vehicles upon any streets in the City.

(d) Public utilities. The operation of trucks owned or operated by the City, public utilities, any contractor or material man, while engaged in the repair, maintenance or construction of streets, street improvements, or street utilities within the City.

(e) Detoured trucks. The operation of trucks upon any officially established detour in any case where such truck could lawfully be operated upon the street for which such detour is established, whether by reason or an emergency, said detour is temporary, permanent, or established.

(f) Farm vehicles. The operation of farm vehicles when loaded with farm crops having a point of origin within the County or a point of destination within the County upon truck routes and those streets designated in Sec. 17-85. For purposes of this ordinance, any truck hauling farm crops is a farm vehicle loaded with farm crops.

(2) Truck traffic in residential areas prohibited during certain hours. Trucks shall not be operated in or through a residential area between the hours of 10 o'clock p.m. and 6 o'clock a.m., excepting designated state highway routes, and as described in Section 17-83 (1) Exceptions (a), (b), (c), and (d) and (e).

Section 17-84. Truck routes established.

There is hereby established within the City the following "Truck Routes":

(a) Outside Origin; Outside Destination. All trucks entering the City from a point of origin outside the County for destination points outside the County shall operate only over the designated routes.

Sec. 17-85. Designated streets for truck use.

In addition to those streets in the City constituting a part of a truck route as established herein, the following streets as described in Section 17-83 (1) Exceptions (a), (b), (c), (d) and (e) shall be used for truck traffic.

Sec. 17-86. Truck traffic in the City.

(1) Trucks originating outside of the County.

(a) One inside destination point. All trucks entering the City for a destination point in the City shall proceed only over an established truck route and shall deviate only at the intersection with the street, upon which such traffic is permitted, according to Section 127-85, nearest to the destination point. Upon leaving the destination point, a deviating truck shall return to the truck route by the most direct route.

(b) Multiple inside destination points. All trucks entering the City for mulitple destination points shall proceed only over established truck routes and shall deviate only at the intersection with the street, upon which such traffic is permitted, according to Section 17-85, nearest to the first destination point. Upon leaving the first destination point a deviating desginated route under Sec. 17-85. Upon leaving the last destination point, a deviating truck shall return to the truck route by the most direct route.

(2) Trucks originating inside the County.

(a) Outside destination point. All trucks, on a trip originating in the County, and travelling in the City for a destination point outside the City shall proceed by the shortest direction over streets on which such traffic is permitted, according to Section 17-85, or on designated truck routes.

(b) Inside destination points. All trucks, on a trip originating in the County, and travelling in the City shall proceed only over streets upon which such traffic is permitted according to Section 17-85 or designated truck routes.

(3) Overweight and Oversized Vehicles.

No other streets other than those designated shall be used by trucks without the driver and/or owner having first obtained from the Right-of-Way Department a special emergency permit therefore, which special permit may be obtained without charge.

STATE ROUTES - Thru Truck Routes

I-69 from west city limits to north city limits

U.S. 27 - Southbound

Lima Road from I-69 to Coliseum Boulevard
Northrop Street from Coliseum Boulevard to Clinton Street
Clinton Street from Norhrop Street to Lafayette Street
Lafayette Street from Clinton Street to south city limit

U.S. 27 - Northbound

Lafayette Street from south city limits to Spy Run Avenue
Spy Run Avenue from Lafayette Street to Clinton Street
Clinton Street from Spy Run Avenue to Northrop Street
Northrop Street from Clinton Street to Coliseum Boulevard
Lima Road from Coliseum Boulevard to I-69

U.S. 33 - Southbound

Goshen Road from I-69 to Coliseum Boulevard
Coliseum Boulevard from Goshen Road to Northrop Street
Northrop Street from Coliseum Boulevard to Clinton Street
Clinton Street from Northrop Street to Lafayette Street
Lafayette Street from Clinton Street to south city limits

U.S. 33 - Northbound

Lafayette Street from south city limits to Spy Run Avenue
Spy Run Avenue from Lafayette Street to Clinton Street
Clinton Street from Spy Run Avenue to Northrop Street
Northrop Street from Clinton Street to Coliseum Boulevard
Coliseum Boulevard from Northrop Street to Goshen Road
Goshen Road from Coliseum Boulevard to I-69

U.S. 24 - U.S. 30 - S.R. 14 - Eastbound

Goshen Road from I-69 to Coliseum Boulevard
Coliseum Boulevard from Goshen Road to Washington Boulevard
Washington Boulevard from Coliseum Boulevard to east city limits

U.S. 24 - U.S. 30 - S.R. 14 - Westbound

Washington Boulevard from east city limits to Coliseum Boulevard
Coliseum Boulevard from Washington Boulevard to Goshen Road
Goshen Road from Coliseum Boulevard to I-69

S.R. 1 - Southbound

I-69 from north city limits to Lima Road
Lima Road from I-69 to Coliseum Boulevard
Northrop Street from Coliseum Boulevard to Clinton Street
Clinton Street from Northrop Street to Lafayette Street
Lafayette Street from Clinton Street to Paulding Road
Pauling Road from Lafayette Street to Baer Field Thruway
Baer Field Thruway from Pauling Road to Bluffton Road
Bluffton Road from Baer Field Thruway to south city limits

S.R. 1 - Northbound

Bluffton Road from south city limits to Baer Field Thruway
Baer Field Thruway from Bluffton Road to Paulding Road
Paulding Road from Baer Field Thruway to Lafayette Street
Lafayette Street from Paulding Road to Spy Run Avenue
Spy Run Avenue from Lafayette Street to Clinton Street

Clinton Street from Spy Run Avenue to Northrop Street
Northrop Street from Clinton Street to Coliseum Boulevard
Lima Road from Coliseum Boulevard to I-69
I-69 from Lima Road to north city limits

S.R. 3 - Southbound

Lima Road from north city limits to I-69

S.R. 3 - Northbound

I-69 from Lima Road to north city limits

S.R. 37 - Northbound

Crescent Avenue from Coliseum Boulevard to Stellhorn Road
Stellhorn Road from Crescent Avenue to east city limits

S.R. 37 - Southbound

Stellhorn Road from east city limits to Crescent Avenue
Crescent Avenue from Stellhorn Road to Coliseum Boulevard

(a) North-South Streets:

South Anthony Boulevard from Washington Blvd. to Pontiac Street
Anthony Boulevard from U.S. 27 to Paulding Road
Ardmore Avenue from Lower Huntington Road to Taylor Street
Baer Road from Baer Field Thruway to Lower Huntington Road
Bluffton Road from south city limits to Brooklyn Avenue
Broadway from Creighton Avenue to Main Street
Brooklyn Avenue from Bluffton Road to Taylor Street
Catalpa Street from Tayor Street to Jefferson Boulevard
Clinton Street from Northrop Street to Coliseum Boulevard
Coldwater Road from Clinton Street to I-69
Coliseum Boulevard from Pontiac Street to Washington Blvd.
Crescent Avenue from East State Bouelvard to Coliseum Blvd.
Ewing Street from Baker Street to Superior Street
Fairfield Avenue from Pontiac Street to Superior Street

Freeman Street from Taylor Street to Jefferson Boulevard
Goshen Road from Sherman Street to Coliseum Boulevard
Hobson Road from East State Boulevard to Stellhorn Road
Industrial Road from Coliseum Blvd. to Washington Center Rd.
Leesburg Road from Main Street to Spring Street
Lindenwood Avenue from Jefferson Boulevard to Spring Street
Sherman Street from St. Mary's River to Goshen Road
Tyler Avenue from Spring Street to West State Boulevard
VanBuren Street from Main Street to St. Mary's River
Wells Street from Superior Street to Fernhill Avenue

(b) East-West Streets:

Baer Field Thruway from Bluffton Road to Baer Road
Baker Street from Fairfield Avenue to Ewing Street
Covington Road from Jefferson Boulevard to Ardmore Avenue
Creighton Avenue from Broadway to Lafayette Street
Dalman Road from Baer Road to west city limits
Engle Road from Bluffton Road to west city limits
Fernhill Avenue from Wells Street to Northrop Street
Illinois Road from west city limits to Jefferson Boulevard
Jefferson Boulevard from west city limits to Maumee Avenue
Lower Huntington Road from Tillman Road to west city limits
Main Street from Jefferson Boulevard to Lafayette Street
Maumee Avenue from Jefferson Boulevard to Washington Blvd.
New Haven Avenue from Wayne Trace to Coliseum Boulevard
Oxford Street from Lafayette Street to east city limits
Paulding Road from Lafayette Street to east city limits
Pontiac Street from Fairfield Avenue to Coliseum Boulevard
Spring Street from west city limits to Wells Street
East State Boulevard from east city limits to Clinton Street
West State Boulevard from west city limits to Wells Street
St. Joe Center Road from Washington Center Road to east city limits
Superior Street from Sherman Street to Lafayette Street
Taylor Street from Jefferson Boulevard to Broadway
Tillman Road from Lower Huntington Road to east city limits
Washington Boulevard from east city limits to Jefferson Blvd.
Washington Center Road from west city limits to St. Joe Center Road
Wayne Trace from Anthony Boulevard to Hessen Cassel Road

Sec. 17-87. Enforcement.

(a) Traffic Engineer. The Traffic Engineer shall keep and maintain accurate maps setting out truck routes and streets upon which truck traffic is permitted; the maps shall be kept on file in the office of the traffic engineer and shall be available to the public.

(b) Weigh-In. The Police shall have the authority to require any person driving or in control of any commercial vehicle not proceeding over a truck route or street over which truck traffic is permitted to proceed to any public or private scale available for the purpose of weighing and determining whether this Ordinance has been complied with.

Sec. 17-88. Truck loads causing litter.

No person shall drive or move any truck or other vehicle within the city unless such vehicle is so constructed or loaded as to prevent any of its load or contents from being blown or deposited upon any street, roadway, sidewalk, alley or other public place; nor shall any person drive or move any vehicle or truck within the city, the wheels or tires of which carry onto or deposit in any street, roadway, alley or other public place any mud, dirt, sticky substances or foreign matter of any kind. (Ord. G-34, 1.)

Sec. 17-89. Penalties.

Every person convicted of a violation of this section shall be punished by a fine of two hundred fifty dollars ($250.00) plus court cost.

Sec. 17-90. Severability.

(a) If any provision or term of this chapter, or any application thereof, is held invalid, the invalidity shall not affect other applications of the provisions of terms of this chapter which reasonably can be given effect without the invalid provision or term for the application thereof.

(b) Article IX shall be completely reviewed by the proper governmental authority upon completion of each leg of the new Fort Wayne byPass.

Sec. 17-91. Truck parking restrictions.

The driver of a vehicle with an overall length of more than twenty (20) feet, or with an overall width of more than seven (7) feet, six (6) inches, shall not park such vehicle on or in any street or alley or driveway in any residential district in the city, except temporarily while actually engaged in loading or unloading freight or other materials on or from such vehicle, nor shall any truck-tractor, farm tractor, road tractor, semi-trailer, pull tractor, or any other commercial vehicle be parked on or in any driveway, street, or alley in any residential district, except temporarily while said vehicle is being used for unloading freight or other materials on or from such vehicle.
(Ord. 2736, 1; Ord. No. G-15-84, 2, 7-24-84)

Sec. 17-92. Load limits on bridges.

(a) The Board of Public Works and Safety is hereby authorized, by resolution regularly adopted, to reduce the gross load weight allowed on any bridge, causeway or viaduct below that prescribed by state law, whenever such board may determine that the maximum load otherwise permitted is greater than such bridge, causeway or viaduct can sustain without serious damage or with safety to itself.

(b) When signs are erected pursuant to this section in a conspicuous place at the end of the structure, indicating the gross weight allowed on any such bridge, causeway or viaduct, no vehicle shall be moved over such bridge, causeway or viaduct when the gross weight of such vehicle is greater than that allowed on such bridge, causeway or viaduct. (Ord. 2726, 1.)

ARTICLE X. SIGHT RESTRICTIONS.

Sec. 17-93. Corner visibility.

No fence, wall, hedge or other planting or other obstruction to vision, extending in excess of three feet above or hanging lower than eight feet above the established street centerline grade shall be erected, planted or maintained in the areas described below; provided, that this restriction shall not apply to buildings in the B-3-A district as established under chapter 33.

(a) Corner lot. The area bounded by the edges of intersecting roadways and a line intersecting such edge lines at points forty feet distant from the intersection of the edge or roadway lines extended on their bearing before any deflection for the intersection.

(b) Lot at intersection of alley. The area bounded by the edge of the roadway and the edge of the intersecting alley and a line intersecting such edge lines at points ninety feet distant on the roadway and fifteen feet distant on the alley from the intersection of such edge lines extended on their bearing before any deflection for the intersection.

If any owner shall fail to remove any such obstructions within fifteen days after notice, the city traffic engineer may cause them to be removed at the expense of the owner. The police department, street department, park department and building department will cooperate with the traffic engineer in the enforcement of this provision. (G-01-68, 1.)

ARTICLE XI. SNOW

Sec. 17-94. Snow alert - Definition.

A "snow alert" is hereby declared by the Board of Public Works and Safety to be a period of time prior to, during or after a snowfall of an actual or predicated accumulation of not less than two (2) inches as forecast by the United States Weather Bureau and during which time vehicular traffic is expected to be particularly hazardous or congested due to the elements, and during which period of time the parking of such vehicles could hinder, delay, and obstruct the safe flow of traffic and the proper cleaning, clearing and making safe of certain heavily traveled public streets of this city, which streets shall be designated as "Snow Control Routes" and listed in Schedule 18, maintained in the office of the Traffic Engineer.

Sec. 17-95. Definition of Snow Emergency.

A "snow emergency" is hereby declared to be a period of time prior to a forecast by the United States Weather Bureau during and after a snowfall, during which the vehicular traffic is expected to be particularly hazardous or congested do to the elements, and during which period of time the parking of such vehicles could hinder, delay and obstruct the safe flow of traffic and of the proper cleaning, clearing and making safe of certain heavily traveled public streets of this city, which streets shall be designated snow control routes and listed in schedule 18, maintained on file in the office of the Traffic Engineer.

Sec. 17-96. Snow Alert - Determination and Proclamation by the Board of Public Works and Safety; duration.

A "Snow Alert" shall commence by order of the Board of Public Works and Safety before, during or after a snowfall with an accumulation of not less than two (2) inches. The sound judgement and discretion of the Board when the circumstances warrant the determination of such a condition for the public safety of the city. Such "Snow Alerts" shall continue in effect until the Board of Public Works and Safety shall determine that such a condition no longer exists and accordingly shall terminate such "Alert".

Sec. 17-97. Snow Alert - Stopping or parking vehicles on Snow Control Routes prohibited.

It shall be unlawful for the owner, driver or operator of any vehicle to park, stop or stand the same or to permit the same to be parked or to stand at any time during the period of any "Snow Alert" on any of the posted routes or streets as listed in Schedule 18 maintained on file in the office of the Traffic Engineer.

Sec. 17-98. Snow Emergency - Determination and Proclamation by mayor; duration.

A snow emergency shall commence by executive order, determination and proclamation by the mayor of the city, before, during or after a snow fall when, in his sound judgment and discretion, the circumstances warrant the determination of such an emergency for the public safety of the city. Such snow emergency shall continue in effect until the mayor of the city determines that an emergency no longer exists and accordingly terminates such emergency. (Ord. G-14-64, 4.)

Sec. 17-99. Snow Emergency - Stopping or parking vehicles on snow emergency routes prohibited.

It shall be unlawful for the owner, driver or operator of any vehicle to park or stop the same or to permit the same to be parked or to stand at any time during the period of any snow emergency on any of the routes or streets listed in schedule 18, maintained on file in the office of the traffic engineer. (Ord. G-14-64, 5.)

Sec. 17-100. Deposit of snow and ice.

It shall be unlawful for any person to deposit, put, or place, or to suffer, allow, or cause to be deposited, put, or placed any snow or ice from any private property upon any public sidewalk, street, alley, or within five feet of any fire hydrant. (Ord. 2636, 1.)

Sec. 17-101. Removal and impoundment of vehicles.

Any police officer upon discovering any such vehicle so parked or stopped in violation of this article, may remove such vehicle or cause the same to be removed to any city-owned property or to a private garage or place where so authorized pursuant to contract where such vehicle shall be impounded and retained and shall be released only as provided in section 17-3. (Ord. G-14-64, 6, 7.)

ARTICLE XII. BICYCLES

Sec. 17-102. License -- Required.

No person six (6) years of age or over, who resides within this city, shall ride or propel a bicycle on any street or upon any public path set aside for the exclusive use of bicycles unless such bicycle has been licensed and a license plate or decal is attached thereto as provided in this article. (Ord. 2726, 1.)

Sec. 17-103. Same - Application.

Application for a bicycle license and license plate or decal shall be made upon a form provided by the city, shall be accompanied by reasonable proof of ownership and shall be made to the city controller. An annual license fee of twenty-five cents ($0.25) shall be paid to the city before each license or renewal thereof is granted. (Ord. 2726, 1.)

Sec. 17-104. Same - Issuance; records.

(a) The city controller, upon receiving proper application therefor, is authorized to issue a bicycle license which shall be effective until the next succeeding first day of May.

(b) The city controller shall not issue a license for any bicycle when he knows or has reasonable ground to believe that the applicant is not the owner of or entitled to the possession of such bicycle.

(c) The city controller shall keep a record of the number of each license, the date issued, the name and address of the person to whom issued, and the number on the frame of the bicycle for which issued, and a record of all bicycle license fees collected by him, and shall provide a copy thereof to the chief of police. (Ord. 2726, 1; Ord. G-31-1.)

Sec. 17-105. Same - Attachment of plate or decal.

(a) The city controller, upon issuing a bicycle license, shall also issue a license plate or decal bearing the license number assigned to the bicycle, the name of the city and the expiration date thereof.

(b) The city controller shall cause such license plate or decal to be attached to the bicycle and shall be used in such position as to be plainly visible from the rear.

(c) No person shall remove a license plate or decal from a bicycle during the period for which issued, except upon a transfer of ownership or in the event the bicycle is dismantled and no longer operated upon any street in this city. (Ord. 2726, 1; Ord. G-94)

Sec. 17-106. Same - Renewal.

Upon the expiration of any bicycle license, the same may be renewed upon application for and payment of the fee for the same as upon an original application. (Ord. 2726, 1.)

Sec. 17-107. Same - Disposition upon transfer of ownership.

Upon the sale or other transfer of a licensed bicycle, the licensee shall remove the license plate or decal and shall either surrender the same to the city controller or may, upon proper application but without payment of additional fee, have such plate or decal assigned to another bicycle owned by the applicant. (Ord. 2726, 1.)

Sec. 17-107.1. Altered manufacturer's serial numbers.

It shall be unlawful to destroy, remove, alter, cover or deface the manufacturer's serial number of any bicycle. It shall be unlawful for any person to own or have custody of a bicycle, the original manufacturer's serial number of which has been destroyed, removed, altered, covered or defaced. (Res. No. R-92-80, 1, 10-28-80)

Sec. 17-108. Inspection.

The chief of police, or officers of the police or fire departments assigned such responsibility by him, shall inspect each bicycle before the same is licensed, and the city controller shall refuse a license for any bicycle which the chief of police determines is in unsafe mechanical condition or not equipped in accordance with this article. (Ord. 2726, 1.)

Sec. 17-109. Education campaign for bicycle riders.

The chief of police, or an officer assigned such responsibility, shall develop and supervise activities designed to promote better bicycle riding habits, knowledge and observance of traffic regulations by bicycle riders, and other activities which increase the safe operation of bicycles on the city streets. (Ord. 2726, 1.)

Sec. 17-110. Rental agencies.

A rental agency shall not rent or offer any bicycle for rent unless the bicycle is licensed and a license plate or decal is attached thereto as provided in this article and such bicycle is equipped with the lamps and other equipment required in this article. (Ord. 2726, 1.)

Sec. 17-111. Bicycle dealers.

Every person engaged in the business of buying or selling new or secondhand bicycles shall, on or before the third day of each month, make a report to the city controller of every bicycle purchased or sold by such dealer during the immediately prior month, giving the name and address of the person from whom purchases or to whom sold, a description of such bicycle by name or make, the frame number thereof and the number of license plate or decal, if any, found thereon. (Ord. 2726, 1.)

Sec. 17-112. Speed.

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing. (Ord. 2726, 1.)

Sec. 17-113. Emerging from alley or driveway.

The operator of a bicycle emerging from an alley, driveway or building, shall upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on such sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on such roadway. (Ord. 2726, 1.)

Sec. 17-114. Parking.

No person shall park a bicycle upon the traveled portion of the street. Bicycles may be parked only upon the sidewalk area in a rack provided to support the bicycle or against a building or in such manner as to afford the least obstruction pedestrian traffic. (Ord. 2726, 1; Ord. G-26-68, 2.)

Sec. 17-115. Riding on sidewalks.

(a) No person shall ride a bicycle upon a sidewalk within a business district.

(b) Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

(c) No person shall operate a moped or motorized bicycle on any sidewalk or other path designed for the primary use of bicycles. (Ord. 2726, 1.)

Sec. 17-116. Penalties for violation of article.

Every person convicted of a violation of any provision of this article shall be punished by a fine of not less than five dollars ($5.00) and not more than one hundred dollars ($100.00) or by the removal and detention of the license plate or decal from such person's bicycle for a period not to exceed thirty (30) days or by the impounding of such person's bicycle for a period not to exceed thirty (30) days or by any combination thereof. (Ord. 2726, 1; Ord. G-26-68, 4.)

ARTICLE XIII. ICE CREAM TRUCKS

Sec. 17-117. Definitions.

(a) Ice cream truck shall mean every motor vehicle in which ice cream, ice milk, frozen dairy products or ice flavored with syrup is carried for purposes of retail sale on the streets of the city.

(b) Vend or vending shall mean offering ice cream, ice milk, frozen dairy products or ice flavored with syrup for sale from a motor vehicle on the public streets of the city. (Ord. No. G-07-82, 2, 5-25-82)

Sec. 17-118. Inspection, equipment and licensing.

Once every year prior to the issuance of any license to any person who uses and operates any ice cream truck on the streets of the city, the owner thereof shall cause said ice cream truck to be thoroughly examined and inspected by the health officer of the city-county board of health to determine compliance with the minimum sanitation and health requirements specified by the state board of health. Written proof of said inspection shall be promptly transmitted by the health officer to the office of the controller of the city. Upon receipt of the written proof of inspection showing compliance with minimum sanitation and health requirements as hereinabove specified, and prior to the issuance of a vendor or peddler's license as set from hereinafter and prior to the use and operation of said ice cream truck, said ice cream truck shall be thoroughly examined and inspected by the police department and must have the following safety equipment on said vehicle in good working order;

(1) A metal, horizontally extendable sign at least twenty (20) inches in length, and at least ten (10) inches in width imprinted with the words "STOP" in six-inch black block letters on yellow background, and "PROCEED WITH CAUTION" in two-inch black block letters on yellow background, such arm to be lighted at the street end of said arm with two (2) alternately flashing lights two (2) inches in diameter, amber in the front and red in the back clearly visible from both front and rear directions at a distance of at least three hundred (300) feet, the bottom of said sign to be at a height between three (3) and five (5) feet above the level of the street or way.

(2) The inspection letter for each vehicle by the board of health and police department shall be carried in that vehicle.

(3) Each vendor-driver shall possess a valid Indiana chauffeur's driver's license. The owner shall provide his drivers, in the spring, a safety program of at least two (2) hours taught by a qualified instructor in the operation of the ice cream truck and vending of the ice cream, etc. (Ord. No. G-07-82, 3, 5-25-82; Ord. No. G-12-83, 1, 4-12-83)

Sec. 17-119. Violations by motorists.

(a) It shall be unlawful for any motorist when approaching a parked (defined as located within six (6) inches of the curb or side of road, whichever is applicable) ice cream truck from any direction at a time when such ice cream truck is displaying the metal extendable arm and the flashing lights, to fail to come to a complete stop at least ten (10) feet from the closest end of said ice cream truck or to fail to then proceed with caution past such ice cream truck at a reasonable and prudent speed and to yield the right-of-way to any pedestrian who crosses the roadway to or from the side of said ice cream truck; provided, that on any street or highway divided into two (2) or more roadways by leaving an intervening space which is unimproved and not intended for vehicular traffic, or by a physical barrier or by a dividing section constructed to impede vehicular traffic, if the ice cream truck is on the opposite side of such traffic barrier, the driver of the approaching vehicle need not stop but shall proceed with due caution for the safety of the customers of the ice cream truck.

(b) Any motorist who operates a motor vehicle in violation of this section shall be fined not to exceed fifty dollars ($50.00) and court costs for each violation; provided, however, if the ice cream truck is being operated in violation of this Article XII, then the motorist shall not be considered as violating this section. (Ord. No. G-07-82, 4, 5-25-82)

Sec. 17-120. Vending restrictions.

(a) The driver of an ice cream truck shall come to a full and complete stop within six (6) inches of the curb or side of the road. The vendor shall then actuate the alternately flashing red and amber lights and extend the stop signal arm required by this Article XII, prior to vending.

(b) The required signal arm and flashing lights shall not be used when the ice cream truck is in motion nor at any time when the ice cream truck is stopped for a purpose other than vending.

(c) The driver or vendor therein of an ice cream truck shall not back the truck to make or attempt to make a sale.

(d) The driver or vendor therein of an ice cream truck shall vend only from the side of said ice cream truck away from moving traffic.

(e) It shall be unlawful to offer to vend on any public street where parking is prohibited on one side or on both sides of said public street, or on any public street where the legal speed limit exceeds thirty (30) miles per hour.

(f) It shall be unlawful to offer to vend or to vend from any ice cream truck on any public street before the hour of 9:00 A.M., between the hours of 5:00 P.M. and 6:00 P.M., and after dusk.

(g) It shall be unlawful to offer to vend or to vend from any ice cream truck within a distance of one thousand (1,000) feet of any real estate which is then used as part of the school grounds of any duly accredited public, or private, grade or junior high school between the hours of 7:00 A.M. and 4:00 P.M> on days when said schools are in session. (Ord. No. G-07-82, 5, 5-25-82)

Sec. 17-121. Violations by ice cream vendor or driver of any ice cream truck.

Any ice cream vendor or driver of an ice cream truck who operates an ice cream truck in violation of this Article XII, shall be fined not to exceed fifty dollars ($50.00) and court costs for such violation. (Ord. No. G-07-82, 6, 5-25-82)

Sec. 17-122. Permissive vending at special events.

It shall be lawful for an ice cream truck duly inspected and licensed under section 17-117 of this Article XII, to vend its wares at special events, such as fireworks, Three Rivers Festivals, company benefits and parties in places other than on public streets without complying with the provisions of section 17-119(a), (b), (c), (d), (e) and (f). (Ord. No. G-07-82, 7, 5-25-82)

Sec. 17-123. Payment of fines.

All fines and penalties shall be paid to the Fort Wayne Violations Bureau located in the office of the City Clerk. (Ord. G-07082, 8, 5-25-82)

ARTICLE VIX. TRAFFIC DIVISION OF POLICE DEPARTMENT

Sec. 17-124. Established; duties.

(a) There is hereby established in the police department of this city a traffic division to be under the control of a captain of police appointed by and directly responsible to the chief of police.

(b) It shall be the general duty of the traffic division and of all members of the police department to enforce the street traffic laws and regulations of this city and all of the state vehicle laws applicable to traffic in this city; to make arrests for traffic violations; to investigate accidents; to cooperate with the city traffic engineer and other officers of the city in developing ways and means to improve traffic conditions; and to carry out those duties specially imposed upon such division by this chapter and other traffic ordinances of this city.

(c) It shall be the particular duty of the traffic division:

> (1) To keep records of all violations in this city of this chapter and other ordinances of this city and of the state traffic and vehicle laws of which any person has been charged, together with a record of the disposition of all such alleged offenses. Such records shall be so maintained as to show all types of violations and the total of each. All forms for records of violations shall be serially numbered for each month and year, and written records shall be kept

available to the public, showing the disposal of such forms. All such records and reports shall be public records.

(2) To investigate traffic accidents and, assisted by all other members of the police department, to arrest and to assist in the prosecution of those persons charged with violations causing or contributing to such accidents.

(3) To assist the city traffic engineer in conducting studies of the causes of such accidents and determining remedial measures whenever three accidents have occurred at any particular location within a period of one year.

(4) To maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed aplhabetically by location. Such reports shall be transferred to city traffic engineer after three months.

(5) To receive and properly file all accident reports made to it under state law or under any ordianance of this city, but all such accident reports made by drivers shall be and the city traffic engineer only, and no such report shall be admissible in any civil or criminal proceedings other than upon request of the person making such report or upon request of the court having jurisdiction to prove a compliance with the laws requiring the making of any such report.

(6) To maintain suitable records of all traffic accidents warranting arrest or conviction and complaint reports ffor each driver, which shall be filed aplhabetically under the name of the driver concerned.

(7) To study the cases of all drivers charged with frequent or serious violations of the traffic laws or involved in frequent traffic accidents or in serious accidents and take whatever steps are lawful and reasonable to prevent the same or to have the licenses of such persons suspended or revoked.

(8) To accumulate all records during at least five-ye-year period, and from that time on such records shall be maintained complete for at least the most recent five year period.

(9) To annually prepare and file with the mayor and the common council a traffic report which shall contain information on traffic matters in this city as follows:

a. The number of traffic of traffic accidents, the number of persons killed, the number of persons injured and other pertinent accident data.

b. The number of traffic accidents investigated, and other pertinent data on the safety activities of the police.

c. The plan and recommendation of the division for future traffic safety activities.

(10) To designate a type of pennant or other identifyinginsignia to be displayed upon, or other method to be employed to identify, the vehicles in a funeral procession. (Ord. G-08-76,1.)

Form Prescribed by State Board of Accounts — General Form No. 99P (Rev. 1967)

Fort Wayne Common Council
(Governmental Unit)
Allen County, IN

To JOURNAL-GAZETTE Dr.
P.O. BOX 100
FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head number of lines: 1

Body number of lines: 2908

Tail number of lines:

Total number of lines in notice: 2909

COMPUTION OF CHARGES

2909 lines, 1 columns wide equals 2909 equivalent lines at .450¢ cents per line — $ 1309.05

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two) 2 extra — 1.00

TOTAL AMOUNT OF CLAIM — $ 1310.05

DATA FOR COMPUTING COST

Width of single column 12.5 picas

Size of type 6 point

Number of insertions 2

Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Drusilla Roose

Date Jan.6 19 86

Title CLERK

FORM #904

ATTACH COPY OF ADVERTISEMENT HERE

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Roose who, being duly sworn, says that he/she is CLERK of the JOURNAL-GAZETTE a DAILY newspaper of general circulation printed and published in the English language in the city town of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows:

12/30/85 and 1/6/86

Drusilla Roose

Subscribed and sworn to me before this 6th day of January 19 86

Anne M. Perkins

Anne M. Perkins Notary Public

My commission expires November 29, 1989

LEGAL NOTICE

Notice is hereby given that on the 8th day of October, 1985, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. S-85-08-26 (as amended) (as amended) (as amended) Special Ordinance No. S-185-85

BILL NO. S-85-08-26 (as amended) (as amended) (as amended)

SPECIAL ORDINANCE NO. S-185-85

AN ORDINANCE amending the Municipal Code of the City of Fort Wayne, Indiana, by deleting Chapter 17, thereof, and replacing therewith an entire new Chapter entitled "Motor Vehicles and Traffic"

WHEREAS, the Municipal Code of the City of Fort Wayne, Indiana, presently contains a Chapter 17 entitled "Motor Vehicles and Traffic"; and

WHEREAS, this Chapter needs to be amended in order to bring the entire chapter up-to-date by deleting sections already covered by the Indiana State Motor Vehicle law or have been found to be obsolete, or are found to be more applicable under that Chapter; and

WHEREAS, the Traffic Engineering Department and Police Traffic Division have recommended additions to Chapter 17 in order to secure the safety and convenience of the citizens of Fort Wayne, Indiana;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Chapter 17 of the Municipal Code of the City of Fort Wayne, Indiana, is hereby amended by deleting therefrom the present language and replacing therewith the language noted on the attached "Exhibit A" and made a part hereof, which now constitutes Chapter 17.

SECTION 2. That the following be deleted from the chapters presently containing these sections and that these same sections be incorporated into Chapter 17 as noted:

Sec. 7-191 through and including 7-197 being renumbered as Article XII; Sec. 18-24 & 18-24.1 be renumbered as Article IX. Sections (17-76) and (17-76.1); Sec. 25-3 being renumbered Section 17-97; and Sec. 25-6 being renumbered 17-88.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor, effective date of this ordinance is January 10, 1986.

Charles B. Redd
Councilmember

Read the third time in full and on motion by Redd, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Henry, Redd, Schmidt, Stier, Talarico

NAYS: None

DATE: 10-8-85

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-185-85 on the 8th day of October, 1985.

ATTEST: (SEAL)

Sandra E. Kennedy, City Clerk

Mark E. GiaQuinta, Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of October, 1985, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 14th day of October, 1985, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

I, The Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of Special Ordinance No. S-185-85 passed by the Common Council on the 8th day of October, 1985 and that said Ordinance was duly signed and approved by the Mayor on the 14th day of October, 1985, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 14th of October, 1985.

SEAL

SANDRA E. KENNEDY
CITY CLERK

CHAPTER 17 — Fort Wayne City Code

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ARTICLE I. IN GENERAL

Sec. 17-1. Definitions

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Alley: A right-of-way other than a street, road, crosswalk or easement, designed for the special accommodation of the property it reaches.

Authorized emergency vehicle. Vehicles of the fire department, police department, and such ambulances and other vehicles having a public emergency use are authorized and designated by the board of public safety.

Bicycle. Any foot-propelled vehicle, irrespective of the number of wheels in contact with the ground.

Business district. The territory contiguous to and including a street when fifty (50) percent or more of the frontage thereon for a distance of five hundred feet or more is occupied by buildings in use of business.

Central business district. All streets and portions of streets within the area described in schedule 1 maintained on file in the office of the traffic engineer.

Crosswalk:

(1) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs from the edges of the traversable roadway.

(2) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian by lines or other markings.

Curb loading zone. A space adjacent to a curb, or lateral boundary line of a roadway, reserved for the exclusive use of vehicles while loading or unloading passengers or materials.

Driver. Every person who drives or is in actual physical control of a vehicle.

Firefighter. Any active member of the Fort Wayne Fire Department, excluding those members who are assigned to the department of traffic engineering and/or the communications department of the City of Fort Wayne, Indiana, and excluding also those former members who are on the retired list of the Fort Wayne Fire Department.

Freight curb loading zone. A curb loading zone reserved for the exclusive use of vehicles whole loading or unloading freight.

MOTOR VEHICLES AND TRAFFIC

Intersection:

(1) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two streets which join one another at an angle.

(2) Where a street includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided street by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting street also includes two roadways thirty feet or more apart, then every crossing of two roadways of such street shall be regarded as a separate intersection.

Laned roadway. A roadway which is divided into three or more clearly marked lanes for vehicular travel.

Moped/Motorized Bicycle: A bicycle with operable pedals which may not be propelled by human power or by an internal combustion engine or battery powered motor, or by both, and when powered by an internal combustion engine having a rating of no more than one and five-tenths (1 5/10) brake horsepower and a cylinder capacity not exceeding fifty (50) cubic centimeters, an automatic transmission, and a maximum design speed of no more than twenty-five (25) miles per hour on a flat surface.

Motorcycle. Every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

Motor vehicle. Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

Official traffic control devices. All signs, signals, markings and devices not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

Park. The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading

temporary or experimental regulation provided therein, as the case may be. Every such resolution shall be permanently enrolled and recorded by such board in a special, permanently bound book provided by such board for such purpose, which book shall be open to public inspection. Copies of each such resolution and written confirmation of any extension, duly certified by the secretary of such board, shall be delivered to the city traffic engineer, chief of police, city attorney, city clerk and the president of the city council, respectively, within forty-eight hours after the adoption thereof. Any resolution of the common council granting an extension thereof delivered to the city traffic engineer, chief of police, city attorney and the president of the city council, respectively, within forty-eight hours of the grant of any such extension.

(b) The Board of Public Works and Safety shall have the authority to:

(1) Place and maintain traffic control signs, signals and devices when and as required to make effective the provisions of this chapter or other traffic ordinances of this city, or to facilitate the movement or promote the safety of traffic at an intersection, and to place and maintain such additional traffic control devices as it may deem necessary to regulate traffic under state law or to warn traffic, subject to the provisions of section 17-5 (b) of this chapter as to traffic control signals.

(2) Authorize or designate authorized emergency vehicles as defined in section 17-1.

(3) Establish play streets in accordance with section 17-61.

(4) Establish speed zones in parks in accordance with section 17-40.

(5) Designate "yield" intersections in accordance with section 17-52.

(6) Determine angle parking locations in accordance with section 17-77.

(7) Restrict parking at schools in accordance with section 17-86.

(8) Restrict parking near intersections in accordance with section 17-87.

(9) Designate curb loading zones in accordance with section 17-102.

(10) Designate bus and taxi stands in accordance with section 17-105. (Ord. 2726, 1; Ord. G-55, 1; Ord. G-15-68, 1.)

Sec. 17-5. City traffic engineer.

(a) The office of city traffic engineer is hereby established. The city traffic engineer shall be appointed by the mayor and shall exercise the powers and duties provided in this chapter. He shall have such assistants and staff as shall be determined by the Board of Public Works and Safety with the approval of the mayor.

(b) It shall be the general duty of the city traffic engineer to determine the need for the installation of and the proper time and timing of traffic control devices, including traffic control signals on through streets duly established by ordinance pursuant to this chapter, other than state or federal highways; to install and maintain such traffic control devices, to conduct engineering analysis of traffic accidents and to devise remedial measure therefore, to conduct engineering investigations of traffic conditions and to cooperate with other city officials in the development of ways and means to improve traffic conditions and to carry out the additional powers and duties imposed by ordinances of this city; provided, that no automatic traffic control device shall be installed until approved by resolution of the common council of the city.

(c) It shall be the particular duty of the city traffic engineer to:

(1) Designate crosswalks, safety zones, and mark traffic lanes in accordance with section 17-63.

(2) Place turn markers, buttons or signs in accordance with section 17-42.

(3) Determine turn restrictions in accordance with section 17-43.

(4) Devise one-way streets and alleys in accordance with section 17-46.

(5) Erect stop signs on through streets in accordance with section 17-49.

(6) Determine angle parking locations in accordance with section 17-77. (Ord. 2726, 1; Ord. G-09-68, 1; Ord. G-15-68, 2; Ord. G-25-68, 1).

Division 2. Penalties and Procedures on Arrest

Sec. 17-6. Penalties.

(a) Unless another penalty is expressed provided by law, every person convicted of a violation of any provision of this chapter shall be punished by a fine of not more than one thousand dollars ($1,000.00). (Ord. 2726, 1; Ord. No. G-37-77, 1; 9-27-77, Ord. No. S-59-82, 3, 4-13-82).

(b) There is hereby established the following schedule of penalties for violations of the following provisions of chapter 17 of the Code of the City of Fort Wayne, Indiana of 1985.

(1) Section 61: If the violator appears in response to a notice affixed to such motor vehicle within a period of 14 calendar days from the date and time shown on said notice affixed to such motor vehicle, the penalty shall be $5.00. If the violator fails to appear in response to a notice affixed to such motor vehicle within 14 calendar days from the date and time shown on said notice affixed to such motor vehicle the penalty shall be $10.00.

(2) Sections 52, 65, 42 (15), 38, & 42: If the violator appears in response to a notice affixed to such motor vehicle within a period of 14 calendar days from the date and time shown on said notice affixed to such motor vehicle, the penalty shall be $10.00. If the violator fails to appear in response to a notice affixed to such motor vehicle within 14 calendar days from the date and time shown on said notice affixed to such motor vehicle the penalty shall be $20.00.

(3) Sections 42 (a) (1), 42 (a) (5), 42 (14), 42 (a) (4), 43, 48 (c), & 69.5 (c):

If the violator appears in response to a notice affixed to such motor vehicle within a period of 14 calendar days from the date and time shown on said notice affixed to such motor vehicle, the penalty shall be

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17-44. — Parking in alleys.
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when proper signs are erected ■ provided in this chapter.

Private road or driveway. Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

Railroad. A carrier of persons or property upon cars, other than street cars, operated upon stationary rails.

Railroad train. An engine, whether powered by steam, gasoline, electric, diesel or other type motor, with or without cars coupled thereto, operated upon rails.

Residence district. The territory contiguous to and including ■ street not comprising a business district, when the property on such street for a distance of five hundred feet or more is in the main improved with residences or residences and buildings in use for business.

Right-of-way. A general term denoting land, property or interest therein, usually in ■ strip of land acquired for or devoted to the construction of ■ highway, road, or street that will include the travelled way, shoulders, roadsides, auxiliary lanes, medians, border areas, park strips, sidewalks, curbs, gutters, and frontage roads.

Roadway. That portion of ■ street improved, designed or ordinarily used for vehicular travel. In the event ■ highway includes two or more separate roadways, the term roadway as used herein shall refer to any such roadway separately but not to all such roadways collectively.

Safety zone. The ■ or space set apart within ■ roadway by the board of public safety for the exclusive use of pedestrians and which is structurally protected, or is so marked, or is so indicated by adequate signs ■ to be plainly visible at times.

Sidewalk. That portion of ■ street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

Stop. Complete cessation of movement.

Stop intersection. An intersection where traffic on one street is required by law to stop before entering or crossing the same when stop signs ■ erected ■ provided in this chapter.

Stop, stopping or standing. Any stopping or standing of a vehicle whether occupied or not, except when necessary to avoid conflict with traffic or in compliance with the direction of ■ police officer or traffic control sign or signal.

Street or highway. The entire width between the boundary lines of every way publicly maintained, except alleys, when any part thereof is open to the ■ of the public for purposes of vehicular travel.

Through street. Every street or portion thereof at the entrance to which vehicular traffic from intersecting streets or highways is required by law to yield the right-of-way to vehicles on such through street or highway, in obedience either to ■ stop sign or a yield sign, when such signs are erected as provided in this chapter.

Traffic. Pedestrians, ridden or herded animals, vehicles and other conveyances, either singly or together, while using any street for purposes of travel.

Traffic control signal. Any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.

Traffic division. The traffic division of the police department of this city.

Vehicle. Every device in, upon or by which person or property is or may be trasported or drawn upon ■ street, except devices moved by human p■■■ or used exclusively upon stationary rails or tracks.

Yield intersection. An intersection where traffic entering on one street is required to slow down to ■ speed reasonable for existing conditions, or stop if necessary before entering or crossing the same, ■■■ "Yield" ■■■ are erected ■ provided in this chapter. (Ord. 2726, Sec. 1; Ord. G-15, Sec. 1,2)

For state law as to definitions relative to highway traffic, ■■■ IC 1971, Sec. 9-1-2-1 et seq. As to definitions relative to registration and licensing of vehicles, see IC 1971, Sec. 9-1-1-2 ■ seq.

Sec. 17-2. Effect of chapter.

This entire chapter shall be deemed and construed to an exercise of the police powers of this city for the preservation and protection of public safety, and all of its provisions shall be liberally construed with a view to the effectuation of such purpose. (Ord. 2726, Sec. 1)

ARTICLE II. ADMINISTRATION OF ENFORCEMENT OF CHAPTER.

Division 1. Generally

Sec. 17-3. Required obedience to traffic regulations.

It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this chapter or to counsel, aid or abet therein. (Ord. 2726, 1.)

Sec. 17-4. Board of public safety.

(a) The board of public safety, by and with the written advice of the city traffic engineer, ■ empowered:

(1) To make regulations necessary to make effective the provisions of this chapter.

(2) To make regulations to carry out its delegated authority hereunder.

(3) To make temporary or experimental regulations to cover emergency or special conditions. No such temporary or experimental resolution shall remain in force for more than sixty days plus one additional sixty-day extension or written confirmation by the board of public safety; and, or resolution of the common council, one further extension of thirty days may be provided; nor shall the streets, alleys, public ways, or territories designated in ■ temporary or experimental regulation be subject to ■■ extension of the same temporary or experimental regulation or one substantially the same or similar thereto, with respect to locale, other than as provided in this section without the consent and approval of the common council.

All regulations of the board of public safety shall be

Such forms shall ■ issued to and receipted for by the chief of police or other person acting for him. The city clerk shall each month report to the mayor the disposal made by the police of all triplicate forms issued to them. For this purpose, the city clerk or representative shall have access to the necessary records of the police department. These reports shall be public record. (Ord. 2726, 1.)

Sec. 17-8. Procedure upon arrest.

Except when authorized or directed under the state law to immmediately take ■ person arrested for a violation of any traffic law before ■ magistrate, any police officer, upon making an arrest for violation of the state traffic laws, this chapter or other traffic ordinances of this city, shall take the name, address and operator's license number of the alleged violator and the registered number of the motor vehicle involved, shall issue to him in writing, on the form provided by the city clerk, pursuant to section 17-7, ■ notice to answer to the charge against him at ■ place and at a time at least five (5) days after such arrest to be specified in the notice and forthwith release the person arrested from custody. The officer shall send one copy of such notice to the captain of the traffic division and one copy to the traffic violations bureau. (Ord. 2726, 1.)

Sec. 17-9. Failure to obey notice or summons.

Any person who fails to appear in response to the notice provided in section 17-8 is guilty of a misdemeanor, regardless of the disposition of the charge for which he was originally arrested. (Ord. No. 2726, 1.)

Sec. 17-10. Notice of illegaly parked vehicles.

Whenever any motor vehicle driver is found parked, standing or stopped in violation of any of the restrictions imposed by this chapter ■■ other ordinance of this city, or state law, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its owner, ■■d shall conspicuously affix to such vehicle ■ notice in writing, on the form provided by the city clerk pursuant to section 17-7, for the driver to answer to the charge against him within forty-eight (48) hours. The officer shall send one copy of such notice to the captain of the traffic division. (Ord. 2726, 1.)

Sec. 17-11. Failure to comply with notice attached to parked vehicle.

If ■ violator of the restrictions on stopping, standing or parking under this chapter or other traffic lws or ordinances does not appear in response to a notice affixed to such motor vehicle within ■ period of forty-eight hours, the traffic violations bureau shall send to the owner of the motor vehicle to which the notice ■■■ affixed, a letter informing him of the violation and warning him that in the event such violator continues to disregard the notice, a complaint will be filed and warrant for arrest issued. The sending of such letter shall not be deemed jurisdictional. (Ord. 2726, 1.)

Sec. 17-12. Presumption in reference to illegal parking.

In any prosecution charging ■ violation of any law or regulation governing the stopping, standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such law or regulation, together with proof that the defendant named in the complaint ■■■ at the time of such stopping, standing or parking the registered owner of such vehicle shall constitute in evidence ■ prima facie presumption that the registered owner of such vehicle w■■ the person who stopped, placed or parked such vehicle at the point where, and for the time during which such violation occurred. (Ord. 2726, 1.)

Sec. 17-13. When complaint to be issued.

In the event any person fails to comply with ■ notice given to such person or attached to ■ vehicle pursuant to sections 17-8 or 17-9, respectively, or fails to make appearance pursuant to a summons directly an appearance in the violations bureau, the city clerk shall forthwith have ■ complaint entered against such person and secure and issue ■ warrant for his arrest. (Ord. 2726, 1.)

ARTICLE II. ENFORCEMENT OF AN OBEDIENCE TO TRAFFIC REGULATIONS

Sec. 17-14. Authority of police officers; authority of members of fire department to assist police at fire.

(a) It shall be the duty of the officers of the police department of this city to enforce all street traffic laws of this city and all state vehicle laws applicable to street traffic in this city.

(b) Officers of the police department of this city are hereby authorized to direct all traffic in conformance with all traffic laws and regulations; provided, that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department shall direct traffic ■■ conditions may require, notwithstanding the provisions of the traffic laws and regulations.

(c) Members of the fire department, when at the scene of ■ fire, may direct or assist the police in directing the traffic thereat or in the immediate vicinity thereof. (Ord. 2726, 1.)

Sec. 17-15. Obedience to police and fire department officials.

N■ person shall willfully fail or refuse to comply with any lawful order or direction of ■ police officer or fire department official. (Ord. 2726, 1.)

Sec. 17-16. Persons propelling pushcarts or riding animals to obey traffic regulations.

Every person propelling any pushcart or riding an animal upon a street, and every person driving any animal-drawn vehicle shall be subject to the provisions of this chapter applicable to the driver of any vehicle, except those provisions of this chapter which by their very nature can have no application. (Ord. 2726, 1.)

Sec. 17-17. Use of coasters, roller skates and similar devices restricted.

No person upon roller skates or riding in or by ■■■ of any coaster, toy vehicle, except licensed bicycles when operated in accordance with this chapter, or similar device shall go upon any roadway except while

gulations.

The provisions of this chapter shall apply to the iver of any vehicle owned by or used in the service of e United States government, this state, county, wnship, or this city, and it shall be unlawful for any ch driver to violate any of the provisions of this apter, except as otherwise permitted in this apter or by state statutes. (Ord. 2726, 1.)

ARTICLE IV. OPERATION OF VEHICLES GENERALLY

sion 1. Generally

ec. 17-19. When permits required for parades and cessions.

o funeral procession or parade containing two dred or more persons or fifty or more vehicles, epting the forces of the United States Army or y, the military forces of this state, and the forces of olice and fire departments, shall occupy, march or eed along any right of way, except in ordance with a permit issued by the Board of Public ks and Safety, upon the approval by the Police artment and Traffic Engineer and such other ilations are set forth in this chapter which may y. (Ord. 2726, 1.)

ec. 17-20. Vehicles not to be driven on sidewalk.

e driver of a vehicle shall not drive in, on or across sidewalk, except at a permanent or temporary way or alley. (Ord. 2726, 1.)

ec. 17-21. Limitations on backing into intersec-

driver of vehicle shall back such vehicle across marked or unmarked crosswalk or into any section, nor shall he back such vehicle in any other , unless such movement can be made with onable safety and without interfering with other c. (Ord. 2726, 1.)

c. 17-22. Limited access roadways.

person shall drive a vehicle onto or from any d access roadway, except at such entrances and are established by public authority. 2726, 1)

c. 17-23. Boarding or alighting from vehicles.

person shall board or alight from any vehicle such vehicle is in motion. (Ord. 2726, 1.)

c. 17-24. Unlawful riding.

person shall ride on any vehicle or upon any n thereof not designed or intended for the use of ngers. This provision shall not apply to oyee engaged in the necessary discharge of a or to persons riding within truck bodies in space ded for merchandise. (Ord. 2726, 1.)

. 17-25. Driving through safety zone prohi-

driver of a vehicle shall at any time drive through hin a safety zone. (Ord. 2726, 1.)

. 17-26. Driving in alleys.

driver of any vehicle shall drive into, on or through ley or any portion thereof except for the purpose ng to or departing from a place of property ng on the section or block of such alley which river has caused his vehicle to enter. When such is operating or driving such vehicle in, on or h any alley or portion thereof, shall not exceed a of ten (10) miles per hour (mph). (Ord. 2726,

sion 2. Speed Regulations

. 17-27. Applicability of state speed laws.

laws of the state establishing or regulating limits for vehicles on public streets or highways pply to all public streets or highways within the xcept in the circumstances where, as properly ized by state law, such limits have been ed or decreased by local authorities on the of an engineering and traffic investigation, which termined such increase or decrease to be safe easonable. In such circumstances, it shall be ul for any person to drive or operate a vehicle in of any speed so determined, when signs are in iving notice thereof. An alphabetical listing of ty street, highway or portion thereof, upon he speed limit has been increased or decreased l authorities of the city, as herein authorized, compiled by the city traffic engineer and shall wn as the "Fort Wayne Speed Limits," who shall uch listing available for public inspection. All s in such listing by the city traffic engineer or cal authority as herein authorized shall be ly attached to such listing. For convenience s, the traffic engineer may forward a copy of such listing, and any subsequent s, to the court that hears and/or adjudicates s of local speeding ordinances. (Ord. 2726, No. S-59-82, 2, 4-13-82).

. 17-28. Increasing state speed limits in certain

hereby determined upon the basis of an ring and traffic investigation that the speed d by state law upon those streets or thereof described in schedule 2, maintained the office of the traffic engineer, is less than is ry for safe operation of vehicles thereon by of the designation and signposting of such through highways, or be reason of paced intersections, and it is hereby that the prima facie speed limit upon those r portions threreof described in schedule 2, ed on file in the office of the traffic engineer, as therein stated, which speeds so declared effective at the time specified therein when erected giving notice thereof. (Ord. 2726,

. 17-29. Speed limits in public parks.

d limit of twenty-five miles per hour shall be the prima facie limit upon all streets and roads city park system; provided, that at or ardous or congested locations, a speed limit n that specified in this section may be ed, and traffic speed control devices when deemed necessary at the discretion of rtment of public parks. (Ord. 2726, 1; Ord.

n 3. Turns

7-30. Limitations on turning around.

subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of the property to be served or to the owner of the vehicle involved, shall be limited to one particular place and one particular occasion or day, and shall grant to such person the privilege as therein stated and authorized herein; and it shall be unlawful for any permittee or other person to violate any of the special terms of conditions of any such permit.

(b) Notwithstanding the existence of a curb loading zone, no driver shall back a vehicle against a curb to load or unload unless the driver of the vehicle holds a permit issued by the chief of police granting him such privilege, and such permit shall be either in the possession of the driver or on the vehicle at the time such vehicle is backed against the curb to take on or discharge a load, and it shall be unlawful for any owner or driver to violate any of the special terms or conditions of any such special permit. (Ord. 2726, 1.)

Sec. 17-42. Parking prohibited in specified places.

(a) No person shall park a vehicle except when necessary to avoid conflict with other traffic or in compliance with law or the direction of a police officer or traffic control device in any of the following places:

(1) On a sidewalk or otherwise between the curb lines or lateral lines of any roadway and the adjacent property lines.

(2) Within 5 feet of a public or private driveway and/or alley.

(3) Within an intersection.

(4) Within fifteen feet of a fire hydrant.

(5) On a crosswalk.

(6) Within twenty feet of a crosswalk at an intersection.

(7) Within 30 feet upon the approach to any flashing beacon, stop sign, yield sign, or traffic control signal located at the side of the roadway or located overhead in some fashion.

(8) Between a safety zone and the nearest curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless the city traffic engineer has indicated a different length by signs or markings.

(9) Within fifty feet of the nearest rail of a railroad crossing.

(10) Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance of any fire station within seventy-five feet of such entrance, when properly signposted.

(11) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.

(12) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.

(13) Upon any bridgeor other elevated structure upon a highway or within a highway tunnel.

(14) At any place where official signs prohibit parking.

(15) Upon any street for any period of time longer than twenty-four (24) continuous hours, except on Saturdays, Sundays and holidays; provided, that this section shall not be deemed to apply to utility, signal and street repair vehicles when necessary performance of their primary function requires otherwise.

(16) Upon any portion of residential property other than in a driveway, or as otherwise permitted upon the street or alley adjacent to said residential real estate.

(b) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

(c) The only vehicles to be permitted to be parked in residential districts in the city shall be:

(1) Operate automobiles, vans and motorcycles, and no such automobiles, van or motorcyles shall be parked other than in the driveway, street or alley of said residential districts.

(2) Operable recreational vehicles, campers, boats and small (one-ton, panel or pick-up) trucks which shall only be parked in the driveway or alley of said residential districts but not in the street.

(d) The following vehicles will not be permitted to be parked in said residential districts: semitrucks, trucktractors, farm tractors, road tractors, semitrailer, pull-trailers, or other commercial vehicles; school buses, church buses, or inoperable automobiles, vans, motorcycles, recreation vehicles, campers, boats and trucks.

(e) Permitted and prohibited parking in residential districts is summarized as follows:

Parking of Vehicles in Residential Districts

17-42 (c) (1):

Operable automobiles - Driveway, Yes; Street, Yes; Alley, Yes; *Yard, No. Operable vans - Driveway, Y; Street, Y; Alley, Y; *Yard, N. Operable Motorcycles - Driveway, Y; Street, Y; Alley, Y; *Yard, N.

17-42 (c) (2):

Operable recreational vehicles - Driveway, Y; Street, Y; Alley, Y; *Yard, N. Operable campers, boats - Driveway, Y; Street, N; Alley, Y; *Yard, N. Operable small (one-ton, panel or pickup) trucks - Driveway, Y; Street, N; Alley, Y; *Yard, N.

17-42 (d):

Inoperable automobiles - Driveway, N; Street, N; Alley, N; *Yard, N. Inoperable vans - Driveway, N; Street, N; Alley, N; *Yard, N. Inoperable motorcycles - Driveway, N; Street, N; Alley, N; *Yard, N. Inoperable recreational vehicles - Driveway, N; Street, N; Alley, N; *Yard, N. Inoperable campers, boats - Driveway, N; Street, N; Alley, N; *Yard, N. Inoperable small (one-ton, panel or pickup) trucks - Driveway, N; Street, N; Alley, N; *Yard, N.

17-42 (d):

Operable or inoperable semitrucks - Driveway, N; Street, N; Alley, N; *Yard, N. Operable or Inoperable truck-tractors - Driveway, N; Street, N; Alley, N; *Yard, N. Operable or inoperable farm tractors - Driveway, N; Street, N; Alley, N, *Yard, N. Operable or Inoperable road tractors - Driveway, N; Street, N; Alley, N. Operable or inoperable semitrailers

within the district or upon any of the streets described in schedule 9. (Ord. 2726, 1.)

Sec. 17-54. Parking time limited on certain streets.

(a) One-hour parking. When signs are erected in each block pursuant to this division giving notice thereof, no person shall park a vehicle for longer than one hour at any time between the hours of 8:00 A.M. and 6:00 P.M. of any day except Sundays and holidays within the district or upon any of the streets described in schedule 10, maintained on file in the office of the traffic engineer.

(b) Ninety-minute parking. When signs are erected in each block pursuant to this division, giving notice thereof, no person shall park a vehicle for longer than ninety minutes of any time between the hours of 8:00 A.M. and 6:00 P.M. of any day except Sundays and holidays within the district or upon any of the streets described in schedule 11, maintained on file in the office of the traffic engineer.

(c) Two-hour parking. When signs are erected in each block pursuant to this division giving notice thereof, no person shall park a vehicle for longer than two hours at any time between the hours of 8:00 A.M. and 6:00 P.M. of any day except Sundays and holidays within the district or upon any of the streets described in schedule 12, maintained on file in the office of the traffic engineer.

(d) Three-hour parking. When signs are erected in each block pursuant to this division giving notice thereof, no person shall park a vehicle for longer than three hours at any time between the hours of 8:00 A.M. and 6:00 P.M. of any day except Sundays and holidays within the district or upon any of the streets described in schedule 13, maintained on file in the office of the traffic engineer.

(e) Thirty-minute parking. When signs are erected in each block pursuant to this division giving notice thereof, no person shall park a vehicle for longer than thirty minutes at any time between the hours of 8:00 A.M. and 6:00 P.M. of any day except Sundays and holidays within the district or upon any of the streets described in schedule 14, maintained on file in the office of the traffic engineer. (Ord. 2726, 1.)

Sec. 17-55. Parking signs required.

Except as provided in section 17-42, wherever by this chapter or by any other ordinance of this city any parking time limit is imposed or parking is prohibited on designated street, it shall be the duty of the city traffic engineer to erect appropriate signs giving notice thereof, and no such regulation shall be effective unless such signs are erected and in place at the time of any alleged offense. (Ord. 2726, 1; Ord. 605-76, 1.)

Division 3. Metered Parking

Sec. 17-56. Definitions

For the purposes of this division, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Parking meter. Any mechanical device or meter, not inconsistent with this division, placed or erected for the regulation of parking by authority of this division and indicating by proper legend thereon the legal parking time established for the parking meter space to which it is adjacent, the balance of the legal parking time for such space and, at the expiration of such period, that the use of such space is illegal.

Parking meter area. The area or section within the city bounded by the boundaries of the city as duly established by law, and all the area, space, streets, avenues, roads, alleys, highways, lanes, paths and other public places and thoroughfares within the foregoing boundaries and inclusive of the above-mentioned streets on both sides thereof.

Parking meter space. Any space within a parking meter zone, adjacent to a parking meter and duly designated for the parking of a single vehicle by lines painted or otherwise durably marked on the curb adjacent thereto or upon the surface of the street upon which the same is located.

Parking meter zone. Any street or portion of a street and any lot or portion of a lot upon which parking meter spaces are laid out and designated and parking meters installed. (Ord. 2726, 1; Ord. G-112-67, 1; Ord. G-110-71, 1.)

Sec. 17-57. Authority of Board of Public Works and Safety.

The Board of Public Works and Safety of the city is hereby authorized and empowered:

(a) To enter into any contract for rental, purchase, acquisition, installation, regulation, use, operation, maintenance, repair, servicing and supplying of parts and replacements for parking meters, as the same may be necessary to carry out its authority hereunder, and to provide payment therefore exclusively from the funds, receipts and revenues obtained by the city from the operation and use of such parking meters without in anywise obligating the city to pay for the same from funds derived from any other sources, and to do any and all things or acts necessary and appropriate to carry out and place in effect the purposes and intent of this division, including the determination and establishment of the specifications to be required in the purchase, lease or other acquisition of parking meters.

(b) Within the parking meter area only, and upon the advice of the traffic engineer, to locate, determine and establish parking meter zones and parking meter spaces within such zones; provided that such parking meter spaces shall be designated and marked out or caused to be marked out by such board by lines or marks painted or durably marked on the curbing or surface of the street about or alongside of each parking meter space for which a parking meter is to be installed and placed in use and within which lines each vehicle using such space shall park; provided, that in no event shall any parking meter zone or parking meter space be established in, upon or along any taxi stand, bus stop, loading zone, or the farmer's and producer's retail market on Barr Street in this city or the portion of any street upon which parking is completely prohibited under and by virtue of this chapter or any other ordinances of this city or of the

streets and parts of streets described in
ule 4, maintained on file in the office of the traffic
er, are hereby declared to be through
for the purposes of this division. (Ord. 2726,

17-32. Stop signs - Authority to erect.
never this chapter or any ordinance of this city
ates and describes a stop intersection or
h street, it shall be the duty of the city traffic
er to place and maintain a stop sign on each
intersecting that portion thereof described and
ated in schedules 4 and 5, maintained on
the office of the traffic engineer such by this
r or any ordinance of this city. (Ord. 2726,

ARTICLE V. TRAFFIC CONTROL SIGNALS AND DEVICES

17-33. When traffic devices required for
ement purposes.
provision of this chapter for which signs are
d shall be enforced against alleged violator if
time and place of the alleged violation
cial sign is not in proper position and sufficiently
to be seen by an ordinarily observant person.
ever a particular section does not state that signs
quired, such section shall be effective even
no signs are erected or in place. (Ord. 2726,

17-34. Play streets - Authority to establish.
Board of Public Works and Safety shall, by
tion adopted in accordance with section 17-4
upon the written request of the traffic
eering department of the city, have authority to
any street or part thereof play street and to
appropriate signs or devices in the roadway
ting and helping to protect the same. (Ord.
1; Ord. G-23-68, 1.)

17-35. Same - Operation of vehicles.
enever authorized signs are erected indicating
reet or part thereof as a play street, no person
drive a vehicle upon any such street or portion
of except drivers of vehicles having business or
residences are within such closed area, and
any such driver shall exercise the greatest
driving upon any such street or portion thereof.
2726, 1.)

17-36. City traffic engineer to designate
walks, establish safety zones and mark traffic

city traffic engineer is hereby authorized:
To designate and maintain, by appropriate
es, marks or lines upon the surface of the
ay, crosswalks at intersections where in his
n there is particular danger to pedestrians
ng the roadway, and such other places he
deem necessary.
To establish safety of such kind and
cter and at such places ashe may deem
sary for the protection of pedestrians.
To mark lanes for traffic on street pavements, or
h places he may deem advisable, consistent
his chapter or other traffic ordinances of the city.
2726, 1.)

ARTICLE VI. STOPPING, STANDING OR PARKING.

Division 1. Generally

17-37. Stop when traffic obstructed.
iver of a vehicle shall enter an intersection or a
d crosswalk unless and until there is sufficient
on the other side of the intersection or crosswalk
comodate the vehicle he is operating without
icting the passage of other vehicles or
trians, notwithstanding any traffic control signal
tion to proceed. (Ord. 2726, 1.)

17-38. Standing or parking close to curb.
person shall stand or park a vehicle in a roadway
than parallel with the edge of the roadway
d in the direction of a lawful traffic movement
ith the right hand wheels of the vehicle on a
ay street and the right hand or left hand wheels of
hicle on a two-way street and the right hand
hand wheels of a vehicle on a one-way street
twelve inches of the curb or edge of the roadway,
t as otherwise provided in this article.
rson shall stand or park a vehicle in addition to
egoing except on or in an authorized area for the
se of parking or standing of vehicles in
ty park; provided that in no event shall any part or
n of the vehicle, except bicycles be permitted to
d over the outer edge of any curb or roadway or
any utility, light, traffic device pole, trees or lawn
y time; provided, that this section shall not be
ed to apply to utility, signal and street repair
and park maintenance vehicles when the
sary performance of their primary function
es otherwise. (Code 1946, c. 31, 110; Ord.
4-71, 1.)

17-39. Signs or markings indicating angle
ng.
The city traffic engineer shall determine upon
streets angle parking shall be permitted and shall,
the approval of the Board of Public Works
afety, by resolution adopted in accordance with
on 17-4 mark or sign such streets, but such angle
ng shall not be established upon any federal
state highway within this city unless the state in
nutes, a copy of which is received by the city clerk
ertified by him to the Board of Public Works and
y that the roadway is of sufficient width to permit
parking without interfering with the free
ment of traffic.
) Angle parking shall not be indicated or
itted at any place where passing traffic would
by be caused or required to drive upon the
and side of a two-way street. (Ord. 2726, 1.)

17-40. Obedience to angle parking signs
lings.
on those streets which have been signed or
ed by the city traffic engineer for angle parking
the provisions of section 17-39 no person
park or stand a vehicle other than at the angle to
urb or edge of the roadway indicated by such
or markings. (Ord. 2726, 1.)

automobiles, vans or motorcycles other than in driveways, streets or alleys in residential districts in violation of sections 17-42- (a) (16) and 17-42 (c) (1) and the prohibition of all inoperable vehicles and other operable or inoperable commercial vehicles from being parked in the driveway, alley or yard of a residential district in violation of section 17-42 (d) shall be enforced by the Board of Public Works and Safety of the city. All other violations of section 17-42 shall be enforced by the police department of the city. (Ord. 2726, 1; Ord. 2737, 1; Ord. 2755, 1; Ord. G-88-70, 1; Ord. No. G-15-84, 1, 7-24-84)

Sec. 17-43. Parking not to obstruct traffic.
No person shall park any vehicle upon a street in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway unobstructed for the free movement of vehicular traffic. (Ord. 2726, 1)

Sec. 17-44. Parking in alleys.
No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic, except while loading or unloading, and no person shall stop, stand or park a vehicle within an alley in such positions as to block the driveway entrance to any abutting property. (Ord. 2726, 1)

Sec. 17-45. All-night parking prohibited.
No person, except physicians on emergency calls, shall park a vehicle between the hours of 2:00 a.m. and 6:00 a.m. on the days and streets or sides of streets described in schedule 1 maintained on file in the office of the traffic engineer. (Ord. 2726, 1)

Sec. 17-46. Parking for certain purposes prohibited.
No person shall park a vehicle upon any roadway for the principal purpose of:
(a) Displaying such vehicle for sale or for the primary purpose of advertising any product or thing whatsoever.
(b) Greasing or repairing such vehicle, except repairs necessitated by an emergency. (Ord. 2726, 1; Ord. 2750, 1)

Sec. 17-47. Parking adjacent to schools.
(a) The Board of Public Works and Safety by resolution adopted in accordance with section 17-4 is hereby authorized to restrict parking upon that side of any street adjacent to any school property for the period of time when, in its opinion, parking would interfere with traffic or create a hazardous situation.
(b) When official signs are erected under the provisions of this section, indicating no parking upon that side of a street adjacent to any school property, no person shall park a vehicle in any such designated place. (Ord. 2726, 1)

Sec. 17-48. Stopping, standing or parking in hazardous or congested places.
(a) The Board of Public Works and Safety, by resolution adopted in accordance with Sec. 17-4, is hereby authorized to determine, and have designated by proper signs, places not exceeding one hundred and fifty (150) feet in length in which the stopping, standing or parking of vehicles would create a hazardous condition or would cause unusual delay in traffic.
(b) When official signs are erected at hazardous or congested places under the provisions of this section, no person shall stop, stand or park a vehicle in any such designated place. (Ord. 2726, 1)
(c) "Fire Lanes." When a fire lane has been designated, all vehicles parked in said fire lane can be ordered to be removed and/or towed by either the fire department or police department as described in schedule 29 on file of the Traffic Engineer.

Sec. 17-48.1. Fines for residential illegal parking.
Any person, violating any provision of Section 17-42 (a) (16), 17-42 (c) (1), 17-42 (c) (2), 17-42 (d), 17-42 (e), 17-42 (f) & 17-70, this article outlined herein under the jurisdiction of the Board of Public Works and Safety shall be immediately fined, without prior notice, as follows:
Inoperable and/or abandoned vehicles - $50.00
Illegal vehicles in residential area - $25.00
Operable vehicles in yard - $25.00
Each and every day such violation is committed or is permitted to continue shall constitute a separate offense and shall be punishable as such. All fines shall be payable to the Violations Bureau located in the Office of the City Clerk of Fort Wayne, Indiana.

Division 2. Restricted or Prohibited on Certain Streets

Sec. 17-49. Applicability of division.
The provisions of this division prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified and as indicated on official signs, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device. (Ord. 2726, 1.)

Sec. 17-50. Regulations not exclusive.
The provisions of this division imposing a time limit on parking shall not relieve any person from the duty to other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times or under specified conditions. (Ord. 2726, 1.)

Sec. 17-51. Parking prohibited at all times on certain streets.
When signs are erected pursuant to this division giving notice thereof, no person shall park a vehicle at any time upon any of the streets described in schedule 7, maintained on file in the office of the traffic engineer. (Ord. 2726, 1.)

Sec. 17-52. Parking prohibited during certain hours on certain streets.
When signs are erected in each block pursuant to this division giving notice thereof, no person shall park a vehicle between the hours specified in schedule 8, maintained in file in the office of the traffic engineer, of any day except Sundays and holidays within the district or upon any of the streets described in schedule 8. (Ord. 2726, 1.)

Sec. 17-53. Stopping, standing or parking prohi-

(d) To install and place parking meters upon the curb, sidewalk or space adjacent to and alongside of or near each parking meter space established and marked out or caused to be marked out by such board; provided, that each parking meter shall be installed and placed so as to show or display a signal that the parking meter space alongside of or adjacent to it is or is not in use and showing lawful parking and use of such parking meter space upon the deposit of the appropriate coins, lawful money of the United States of America, therein for the period of time prescribed as the parking limit established therefore and as to indicate, upon the expiration of the lawful parking period or time limit, a proper visible signal that lawful parking has expired.
(e) To determine, subject to approval by the common council of the city, by resolution duly adopted, the license fee to be charged and collected through and by use of the parking meter for each particular parking meter zone and parking meter space designaed and marked out by such board and for which a parking meter is installed; provided, that the maximum time limit for which such parking meter space may be used by payment of such license fee through the deposition of coin or coins in such parking meter shall be prescribed by section 17-55 and the schedules referred to therein or made a part thereof and by any amendments, changes or additions thereto hereafter duly enacted.
(f) To employ individual persons to carry out the enforcement of the parking limitations in the parking meter zones and to perform the duty of removing from parking meters the coins deposited in such meters and to deliver such coins to the city controller, who shall count them and deposit the same with the city treasurer in the special fund designated in section 17-61. Any individual person so employed by the Board of Public Works and Safety shall be paid by it at rates determined by the board of public works and approved by the common council of the city, out of such special fund. The Board of Public Works and Safety of the city shall deputize such individual person as special police, whereupon such individual person shall have the power and authority to prepare, sign and deliver or post notices of violation of any parking limitations in any parking meter zone or parking meter space in accordance with the provisions of this chapter. Every such person shall furnish a bond in the penal sum of five thousand dollars conditioned upon his faithful performance of this duties hereunder, which bond shall run in favor of the city. (Ord. 2726, 1.)

Sec. 17-58. Duty of driver to deposit coin.
Except in any period of emergency determined by an officer of the fire or police departments of this city, or in compliance with the direction of a police officer or a traffic control sign or signal of this city or of the state, when any vehicle shall be parked in any parking meter space, the driver of such vehicle shall, upon entering such parking meter space, immediately deposit or cause to be deposited in the parking meter adjacent thereto such proper coin of the United States of America as is required for such parking meter as designated by direction thereon, and by regulation of the Board of Public Works and Safety approved by resolution of the common council of this city and shall also set in operation the timing mechanism on such meter in accordance with the directions thereon. Upon the deposition of such coin and the setting of the timing mechanism in operation, such parking meter space may be lawfully occupied by such vehicle during the period of time prescribed threfore; provided, that any person placing a vehicle in a parking meter space adjacent to a meter which indicates that unused time has been left in such meter by the previous occupant of such space shall not be required to deposit a coin so long as his occupancy of such space does not exceed the unused time indicated on such meter. (Ord. 2726, 1.)

Sec. 17-59. Enforcement.
It shall be the duty of the police department, and parking control officers as appointed by the Board of Public Works and Safety of this city to enforce the provisions of this division. (Ord. 2726, 1.)

Sec. 17-60. Parking meter fund.
All license fees collected from parking meters as provided in this article shall be deposited by the city controller with the city treasurer to the credit of the city in a special fund to be known as the "parking meter fund," which such special fund shall be disbursed and paid out only under the orders and direction of the Board of Public Works and Safety for the following purposes only:
(a) The payment of the purchase price, rental fees and cost of installation of parking meters.
(b) The payment of the cost of maintenance, operation, repair and other incidental costs and expenses in the operation of parking meters and parking meter zones and spaces, including incidental costs and expenses such as clerical and bookkeeping expenses in the handling and keeping of records of fees collected and expended.
(c) The payment of the cost of traffic signal devices used in the city, and the repair and maintenance of any of the public streets and highways in such city where parking meters are in use and upon all streets connected therewith.
(d) The acquisition by lease or purchase of suitable land for off-street parking purposes, the improvement and maintenance of such land and the purchase, installation and maintenance of parking meters thereon. (Ord. 2726, 1.)

Sec. 17-61. Violations.
It shall be unlawful and a violation of the provisions of this division for any person:
(a) To cause, allow, permit or suffer any vehicle registered in the name of or operated by such person to be parked overtime or beyond the period or legal parking time established for the street or portion of a street upon which any parking meter zone or space is designated and marked out or caused to be marked out by the Board of Public Works and Safety of this city, or to deposit in any parking meter any coin for the purpose of parking beyond the maximum legal

Notice
October, 1 (b) To permit any vehicle to remain or be placed in
Wayne, I any parking meter space while the parking meter
following adjacent thereto is displaying a signal indicating that
amended) the vehicle occupying such parking meter space has
S-185-85 already parked beyond the period prescribed for such
BILL N space.
amended) (c) To park any vehicle across any line or marking of
SP a parking meter space or in such position that the
AN ORDI vehicle is not entirely within the area designated by the
City of Fo lines or markings designating such parking meter
thereof, a space.
entitled "I (d) To fail to deposit the proper coin required by the
WHERE parking space in which any vehicle operated by such
Wayne, I person is parked.
entitled "I (e) To deface, injure, damage, tamper with, open or
WHERE willfully break, destroy or impair the usefulness of any
order to b parking meter installed under the provisions of this
sections article.
Vehicle (f) To deposit or cause to be deposited in any
found to parking meter any slugs, device or metal substance or
and other substitute for lawful coins. (Ord. 2726, 1.)
WHERE Sec. 17-62. Fines (as amended)
Police Tra (a) All violations outlined in divisions 1, 2 & 3 are
Chapter onsidered separate and additional violations, each
convenien and every hour such violation occurs, unless
NOW, therwise specified in this chapter.
COMMO (b) All fines delinquent in payment for 14 calendar
INDIANA days or longer from the date of the violation will be
SECTI ouble the original fine, unless otherwise specified in
City of Fo is chapter.
deleting th (c) A fine schedule shall be maintained in the office
therewith f the City Clerk.
A" and n Sec. 17-63. Records and reports of Board of Public
Chapter Works and Safety.
SECTI The Board of Public Works and Safety of this city
chapters hall make due record in the journal of its proceedings
these san all parking meter zones, parking meter spaces,
noted; commended license fees and other regulations
Sec. 7 dopted and actions taken by it pursuant to" this
renumbe ivision. Such board shall promptly forward to the
renumbe common council of this city a certified copy of all such
(17-76.1 ctions, minutes and regulations. Such board shall,
17-97; a nnually during January of each year, prepare
SECTI nd file with the common council of this city a complete
and effec written report of all its doings and actions under and
necessar ursuant to the provisions of this division for and during
ordinance immediately prior calendar year. (Ord. 2726, 1.)
Division 4. Stopping for Loading and Unloading
Only
Read th Sec. 17-64. Board of Public Works and Safety to
seconded designate curb loading zones.
passage. The Board of Public Works and Safety by resolution
AYES: dopted in accordance with Section 17-4, is hereby
Bradbu thorized to determine the location of passenger and
Schmidt, freight curb loading zones, and it shall have placed and
NAYS: maintained appropriate signs indicating the same and
DATE: stating the hours during which the provisions of
his section are applicable. (Ord. 2726, 1.)
Sec. 17-65. Stopping, standing or parking in
Passed passenger curb loading zone.
City of Fo No person shall stop, stand or park a vehicle for any
S-185-85 purpose or period of time other than for the expeditious
AT loading or unloading of passengers in any place
marked as a passenger curb loading zone pursuant to
section 17-66 during the hours when the regulations
Prese pplicable to such curb loading zone are effective, and
Wayne, hen only for a period not to exceed three (3) minutes.
the hour (Ord. 2726, 1.)
Sec. 17-66. Stopping, standing or parking in freight
urb loading zone.
Approve No person shall stop, stand or park a vehicle for any
1985, a purpose or length of time other than for the expeditious
unloading and delivery or pick-up and loading of
materials in any place marked as a freight curb loading
I, The Cone pursuant to section 17-64 during hours when the
hereby o rovisions applicable to such zones are in effect. In no
true and case shall the stop for loading and unloading of
S-185-85 materials exceed thirty (30) minutes. (Ord. 2726, 1;
day of Ord. 2737, 1.)
duly sign Sec. 17-67. Board of Public Works and Safety to
day of Designate public carrier stands.
record in The Board of Public Works and Safety, by resolution
WITNE dopted in accordance with section 17-4, is hereby
Fort Wa uthorized and required to establish bus stops and
SEAL axicab stands for other passenger common carrier
motor vehicles or passenger vehicles for hire on such
public streets, in such places and such manner as it
shall determine to be of the greatest benefit and
INDEX convenience to the public, and every such bus stop,
axicab stand or other stand shall be designated by
17-1. appropriate signs; provided, that no taxicab stand
17-2. shall be designated for the particular use of any one
ART company. (Ord. 2726, 1.)
Sec. 17-68. Parking of taxicabs regulated.
No driver of a taxicab shall park such vehicle upon
17-3. any street in any business district at any place other
tions. than at a duly designated taxicab stand; except,
17-4. that this provision shall not prevent the driver of any
17-5. such vehicle from temporarily stopping in accordance
Div with other stopping or parking regulations at any place
17-6. —or the purpose of and while actually engaging in
17-7. oading or unloading passengers. (Ord. 2726, 1.)
ance. Sec. 17-69. Restricted use of bus and taxicab
17-8. stands.
17-9. No person shall stop, stand or park a vehicle other
17-1 than a common carrier of passengers vehicle in a bus
17-1 stop, or other than a taxicab in a taxicab stand,
parked when any such stop or stand has been officially
17-1 designated pursuant to section 17-69 and appropria-
parkingly signed; except, that the driver of a passenger
17-1 vehicle may temporarily stop therein for the purpose of
ART and while actually engaged in loading or unloading
passengers when such stopping does not interfere with
any bus or taxicab in, departing from, waiting to enter
17-14. or about to enter such zone. (Ord. 2726, 1.)
membe Divison 5. Parking for Perons With Impaired
17-1 Mobility*
officials Sec. 17-69.1. Definition.
17-1 "Impaired mobility person" as used in this division
animal means a person who:
17-1 (1) Has permanently lost the use of at least one leg;
device or

The Board of Public Works and Safety shall and is hereby denominated as the "public agency" which shall be responsible for the removal, storage and disposal of abandoned vehicles, and designated in the "Abandoned Vehicle Act," and in order to facilitate the removal of such abandoned vehicles or parts, the Board of Public Works and Safety may employ such personnel and acquire such equipment, property and facilities as are necessary for the purpose of removal, storage and disposition of such abandoned vehicles, not in conflict with the "Abandoned Vehicle Act", or the Board of Public Works and Safety may contract with private towing firms or individuals in such business on an annual basis to provide the equipment, storage area and facilities for the removal and disposal. (Ord. G-16-74, 2.)

Sec. 17-72. Disposal; junk vehicle fund.

The Board of Public Works and Safety shall establish a periodic times and places for the sale or disposal of all such vehicles impounded under this article. Any monies received shall be placed in the "junk vehicle fund". (Ord. G-16-74, 3.)

Sec. 17-73. Adoption of state law.

All of the powers, purposes, provisions and definitions contained in such "Abandoned Vehicle Act" are now incorporated by reference in this article and made a part thereof. (Ord. G-16-74, 4.)

Sec. 17-74. Removal by owner; execution of waiver.

The owner of such abandoned or junk vehicle may in lieu of the above provisions voluntarily provide for the removal and disposal of such vehicle by executing an abandoned vehicle removal waiver with the Board of Public Works and Safety. (Ord. G-16-74, 5.)

Sec. 17-75. Violations; penalties.

Any person violating any provision of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in the amount of $50.00.

Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. (Ord. G-16-74, 6; Ord. No. G-37-77, 1, 9-27-77)

ARTICLE VIII. NOISE

Sec. 17-76. General.

It shall be unlawful for any person to make any noise, disorder or tumult to the disturbance of the peace and quietude of the city or to the annoyance of any of its inhabitants, or to permit such noise, disorder or tumult to be made in or about his house or premises and the same in hereby declared to be a public nuisance.

The following acts are declared to be a public nuisance, but the enumeration of the particular offenses hereinafter particularly defined shall not be construed as limiting the generality of this section, or limiting the offenses hereunder to the particular offenses hereinafter enumerated:

(a) The sounding of any horn or signal device on any automobile, motorcycle, bus, streetcar, or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

(b) The use of any automobile, motorcycle or vehicle with appurtenances attached thereto so as to create a loud or unnecessary grating, grinding, rattling or other noise.

(c) Sounding any siren or other noise-making or noise-producing device within the quiet zone as designated by appropriate signs or any hospital or sanitarium in the city.

The provisions of this section shall not apply to celebrations on Halloween and legal holidays and celebrations in connection with duly authorized parades. (Code 1946, ch. 19, 24)

Sec. 17-76.1. Same - Vehicular.

(a) Scope. This section shall apply to the control of all noise caused by light motor vehicles and originating within the limits of the City of Fort Wayne, Indiana.

(b) Definitions. For the purposes of this section the following definitions apply:

(1) A-weighted sound level: The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated db (A) or dBA.

(2) Decibel (db): A unit for measuring the volume of a sound, equal to twenty (20) times the logarithm/to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropausals (20 micronewtons per square meter).

(3) Light motor vehicles: Any automobile, van, motorcycle, motor-driven cycle, motorscooter, dune buggy, snowmobile, all-terrain vehicle, go-car, mini-bike, trail bike, and truck with gross vehicular weight of less than eight thousand (8,000) pounds.

(4) Modified and defective exhaust systems: An exhaust system in which the original noise abatement devices have been physically altered causing them to be less effective in reducing noise, or the original noise abatement devices which are not as effective in reducing noise to their original devices, or devices have been added to the original noise abatement devices, such that noise levels are increased.

(5) Noise level: The A-weighted sound level produced by a motor vehicle.

(6) Person: Any individual, association, partnership or corporation which includes any officer employee, department, agency or instrumentality.

(7) Sound level meter: An instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighting networks used to measure sound pressure levels. Such instruments shall be used for measurement of the intensity of sound and calibrated in decibels standardized by the American National Standards Institute (ANSI). Readings shall be made on a db (A) scale.

(8) Traffic noise: Sound made by a motor vehicle

entering the City from a point of origin outside the County for destination points outside the County shall operate only over the designated routes.

Sec. 17-85. Designated streets for truck use.

In addition to those streets in the City constituted a part of a truck route as established herein, the following streets as described in Section 17-83 (1) Exceptions (a), (b), (c), (d) and (e) shall be used for truck traffic.

Sec. 17-86. Truck traffic in the City.

(1) Trucks originating outside of the County.

(a) One inside destination point. All trucks entering the City for a destination point in the City shall proceed only over an established truck route and shall deviate only at the intersection with the street, upon which such traffic is permitted, according to Section 17-85, nearest to the destination point. Upon leaving the destination point, a deviating truck shall return to the truck route by the most direct route.

(b) Multiple inside destination points. All trucks entering the City for multiple destination points shall proceed only over established truck routes and shall deviate only at the intersection with the street, upon which such traffic is permitted, according to Section 17-85, nearest to the first destination point. Upon leaving the first destination point a deviating truck shall proceed to other destination points by the nearest designated route under Sec. 17-85. Upon leaving the last destination point, a deviating truck shall return to the truck route by the most direct route.

(2) Trucks originating inside the County.

(a) Outside destination point. All trucks, on a trip originating in the County, and travelling in the City for a destination point outside the City shall proceed by the shortest direction over streets on which such traffic is permitted, according to Section 17-85, or on designated truck routes.

(b) Inside destination points. All trucks, on a trip originating in the County, and travelling in the City for destination points in the City shall proceed only over streets upon which such traffic is permitted according to Secion 17-85 or designated truck routes.

(3) Overweight and Oversized Vehicles.

No other streets other than those designated shall be used by trucks without the driver and/or owner having first obtained from the Right-of-Way Department a special emergency permit therefore, which special permit may be obtained without charge.

STATE ROUTES - Thru Truck Routes

I-69 from west city limits to north city limits

U.S. 27 - Southbound

Lima Road from I-69 to Coliseum Boulevard

Northrop Street from Coliseum Boulevard to Clinton Street

Clinton Street from Northrup Street to Lafayette Street

Lafayette Street from Clinton Street to south city limits

U.S. 27 - Northbound

Lafayette Street from suth city limits to Spy Run Avenue

Spy Run Avenue from Lafayette Street to Clinton Street

Clinton Street from Spy Run Avenue to Northrop Street

Northrup Street from Clinton Street to Coliseum Boulevard

Lima Road from Coliseum Boulevard to I-69

U.S. 33 - Southbound

Goshen Road from I-69 to Coliseum Boulevard

Coliseum Boulevard from Goshen Road to Northrup Street

Northrup Street from Coliseum Boulevard to Clinton Street

Clinton Street from Northrup Street to Lafayette Street

Lafayette Street from Clinton Street to south city limits

U.S. 33 - Northbound

Lafayette Street from south city limits to Spy Run Avenue

Spy Run Avenue from Lafayette Street to Clinton Street

Clinton Street from Spy Run Avenue to Northrup Street

Northrup Street from Clinton Street to Coliseum Boulevard

Coliseum Boulevard from Northrup Street to Goshen Road

Goshen Road from Coliseum Boulevard to I-69

U.S. 24 - U.S. 30 - S.R. 14 - Eastbound

Goshen Road from I-69 to Coliseum Boulevard

Coliseum Boulevard from Goshen Road to Washington Boulevard

Washington Boulevard from Coliseum Boulevard to city limits

U.S. 24 - U.S. 30 - S.R. 14 - Westbound

Washington Boulevard from east city limits to Coliseum Boulevard

Coliseum Boulevard from Washington Boulevard to Goshen Road

Goshen Road from Coliseum to I-69

S.R. 1 - Southbound

I-69 from north city limits to Lima Road

Lima Road from I-69 to Coliseum Boulevard

Northrup Street from Coliseum Boulevard to Clinton Street

Clinton Street from Northrup Street to Lafayette Street

Lafayette Street from Clinton Street to Paulding Road

Paulding Road from Lafayette Street to Baer Field Thruway

Baer Field Thruway from Paulding Road to Bluffton Road

Bluffton Road from Baer Field Thruway to south city limits

S.R. 1 - Northbound

Bluffton Road from south city limits to Baer Field Thruway

Baer Field Thruway from Bluffton Road to Paulding Road

Paulding Road from Baer Field Thruway to Lafayette

17-2ots and on city streets, including parking lots
17-2itled in the name of any city department, board,
17-2agency or commission, which shall be set aside for the
17-2xclusive use of impaired mobility persons. Such
Divinandicapped parking spaces shall be clearly and
17-2distinctly marked so as to indicate that such spaces are
17-2reserved for the use of impaired mobility persons. The
zonesnumber of designated parking spaces shall be in
17-2ccordance with applicable state statutes.
Divi (b) Private property owners and those residents
17-who wish to participate under this division shall notify
Divthe city traffic engineering department in writing
Yield on city application form, of the number and specific
17location of each parking space to be designated for
17-impaired mobility parking by September 1, 1983.
ARSubsequent requests shall be submitted to city traffic
engineering, and after approval by the Board of Public
17-3Works and Safety, such spaces shall be designated
enforwith the appropriate signs, as determined by city traffic
17engineering in accordance with the Indiana Manual on
17Uniform Traffic Control Devices. Only those signs that
17satisfy the requirement of the Indiana manual
crosshall be enforced.
tanes The private property owner shall be responsible for
the cost of such sign at ■ price equivalent to the cost
incurred by city's traffic engineering. In addition, the
Divisprivate property owner shall maintain such signs.
17 To facilitate participation by private property
17owners hereunder, the Board of Public Works and
17Safety shall cause an agreement to be prepared that
parkwill be executed by the city and participating private
17property owners, said agreement to be in confor-
marmance with IC 9-4-14-1 et seq. Private property
17owners shall allocate the appropriate number of
loaddesignated restricted parking spaces in accordance
17with applicable state statutes and Indiana construc-
17tion rules.

(c) Where designated parking spaces are
17requested and needed on city streets, it shall be the
17responsiblity of the petitioner to provide a petition
17signed by at least fifty-one (51) per cent of the
17residents on both sides of the affected block of said
hazstreet. Requests for the permanent placement of an
17approved sign shall be submitted in writing on city
Dapplication form to the city traffic engineering
Stredepartment by September 1, 1983. Subsequent
1requests shall be submitted to the city traffic
1engineering department. After review of such
1request and approval by the Board of Public Works
stre and Safety, such spaces shall be designated with
1appropriate signs. Purchase, installation and mainte-
cernance of the signs and posts shall be paid by the
1petitioner through city traffic engineering department.
g Only one permit will be granted to ■ resident
1petitioner. (Ord. No. G-18-83, 3, 6-28-83)

1"
[Sec. 17-69.3. Application and permit.
1 (a) Any person for or on behalf of any impaired
mobility person who does not have disabled veteran
saf registration plate (s) or special registration plate (s)
may file an application for ■ Fort Wayne impaired
mobility parking permit with the city clerk. The
application shall state the following:
(1) Name, address and telephone number of the
impaired mobility person;
(2) A statement ■ to the fact that the applicant is
wc an impaired mobility person within the meaning of
section 17-71.1 and if section 17-71.1 (3) applies,
D then applicant shall submit a signed statement from ■
On physician certifying that such applicant is permanently
disabled in ■ manner rendering it difficult and
de burdensome for such person to walk for an extended
period of time.
Su (b) The permit, as issued, shall be portable and
same shall be clearly displayed and visible in the
oc windshield of the vehicle in question.
(c) The permit cost shall be one dollar ($1.00)
de payable to the city clerk which sum is charged to simply
cover the cost of the city in issuing such
permits. Such permits shall be valid ■ long as the
M applicant remains an impaired mobility person within
the meaning of this division and at any time
that such applicant is no longer an impaired mobility
person an individual shall cease using such permit.
(Ord. No. G-18-83, 4, 6-28-83.)
Sec. 17.69.4. Restricted parking.
No person shall stop, stand or park ■ vehicle in ■
space designated for impaired mobility parking unless
the vehicle bears a license plate or decal
S issued by the State of Indiana containing the
international wheelchair symbol or such other symbol
as the commission of the bureau of motor vehicles of
the State of Indiana or any other state shall designate
to distinguish ■ vehicle used by or to transport an
impaired mobility person; or unless the vehicle has
clearly displayed in the windshield thereof ■ permit
issued hereunder by the Board of Public Works and
Safety. (Ord. No. G-18-83, 5, 6-28-83)
Sec. 17-69.5. Fines and penalties.
(a) Failure to do any act required by this division or
acting in a manner prohibited by this division shall
constitute ■ violation.
(b) A person who falsely represents himself/herself
as having the qualification to obtain ■ Fort Wayne
impaired mobility permit will be fined up to ■ maximum
of one hundred dollars ($100.00) and have such
person's permit revoked.
(c) Any motor vehicle parking in areas designed for
the exclusive use of impaired mobility persons which
does not bear ■ disabled veteran registration
plate, ■ space registration plate, or display ■ Fort
Wayne impaired mobility parking permit, shall be
ticketed at the owner's expense. The fine shall be
$20.00 for each violation. (Ord. No. G-18-83, 6,
6-28-83)

ARTICLE VII. ABANDONED VEHICLES

Sec. 17-70. Generally.
It shall be unlawful for any person to abandon any
vehicle on any public or private premises within the city
or to leave any vehicle at any place within
the city for such time and under circumstances which
would reasonably make such vehicle appear to have
been abandoned. No person shall leave any partially
dismatled, non-operating, wrecked or junked vehicle

at a distance of not less than fifteen (15)
feet from the noise source.
(d) Excessive noise prohibited. It shall be unlawful
for any person to operate, cause to operate or use a
light motor vehicle such as to cause excessive noise
levels as ■ result of a defective or modified exhaust
system, or as ■ result of unnecessary rapid
acceleration, deceleration, revving or tire squeal, or ■
the result of the operation of audio devices such ■ but
not limited to radios, phonographs, and tape players
on or from such vehicle.
(e) Exemptions. The following ■ exempted from
the provisions of this section:
(1) Sound emitted from sirens of authorized
emergency vehicles.
(2) Lawnmowers, garden tractors, and similar
home power tools when properly muffled, for up to two
(2) hours per day between the hours of 8:00 A.M. and
8:00 P.M.
(3) Burglar alarms on light motor vehicles of the
electronic signaling type which transmit ■ nonaudible
signal to a receiver which can be carried by the
owner or operator of the vehicle, and
(4) Celebrations on Halloween and legal holidays
and celebrations in connection with duly authorized
parades.
(f) Prosecution.
(1) In any criminal prosecution for ■ violation of this
section, the court may admit evidence of noise level ■
tested by a sound level meter which meets or
exceeds the American National Standard Institute
(ANSI) specifications for Type II equipment. A person
shall be found guilty of violation of this section for
the emission of the excessive noise from or on any
motor vehicle source in excess of the limitations
established herein.
(2) It shall be unlawful for any person to violate the
provisions of this section. Whenever any police officer
makes ■ arrest for violation of this section, he shall
take down the name, address, operator's license
number and registration number of the vehicle if readily
available and shall issue to the alleged violator in
writing on the form provided by the city clerk, a citation
for ■ violation of this section. Upon conviction of
violation of this section, the violator shall be punished a
fine not less than fifty dollars ($50.00) nor
more than two hundred fifty dollars ($250.00).
(g) Payment of fines. All fines and penalties shall be
payable to the violations bureau located in the office of
the city clerk of Fort Wayne, Indiana.
(h) Remedy noise source. Within ■ (7) days,
the person shall repair or remedy the source of the
excessive noise from the vehicle and have the vehicle
checked by ■ noise pollution police officer. If the
vehicle is being sold, the noise source must first be
corrected. (Ord. No. G-13-80, 1, 2-22-80; Ord. No.
G-06-81, 1, 4-28-81).
Sec. 17-82. Definitions.
For the purpose of this ordinance, the following
terms, phrases, words and their derivations shall have
the meaning given herein. When inconsistent with
the context, words used in the present tense include
the future, words in the plural number include the
singular number, and words in the singular number
include the plural number. The word "shall" is always
mandatory and not merely directory.
(a) "City" is the City of Fort Wayne.
(b) "County" is Allen County, Indiana.
(c) "Deviating Truck" is ■ truck which leaves and
departs from ■ truck route while travelling inside the
City.
(d) "Person" is any person, firm, partnership,
association, corporation, company or organization of
any kind.
(e) "Truck" is any vehicle designed or operated for
the transporation of property, and which is licensed to
carry a combined body and load weight exceeding
30,000 pounds.
(f) "Truck Route" is a way over certain streets, ■
designated herein, over and along which trucks
coming into and going out of the City must operate.
(g) "Residential Area" is ■ combination of
contiguous city blocks having the majority of land ■
patterns whose primary use can be ■ to be
residential in nature ■ described in the Zoning Map
maintained on file in the office of the Traffic
Engineer.
Sec. 17-83. Application of Regulation.
a) the deviation of ■ truck from ■ designated truck
route, providing the truck:
1.) has ■ destination point in Allen County, and
2.) remains on the designated truck route it reaches
the intersection nearest its destination point.
b) the deviation of ■ truck from a designated truck
route, providing the truck:
1.) h■ an origination point not on ■ designated
truck route, and
2.) proceeds from its place of origination along the
most direct path to ■ designated truck route.
(c) Emergency Vehicles. The operation of
emergency vehicles upon any streets in the City.
(d) Public Utilities. The operation of trucks owned
or operated by the City, public utilities, any contractor
or material man, while engaged in the repair,
maintenance or construction of streets, street
improvements, or street utilities within the City.
(e) Detoured trucks. The operation of trucks upon
any officially established detour in any ■ where
such truck could lawfully be operated upon the street
for which such detour is established, whether by
reason or an emergency, said detour is temporary,
permanent, or established.
(f) Farm vehicles. The operation of farm vehicles
when loaded with farm crops having a point of origin
within the County or a point of destination within the
County upon truck routes and those streets
designated in Sec. 17-85. For purposes of this
ordinance, any truck hauling farm crops is ■ farm
vehicle loaded with farm crops.
(2) Truck traffic in residential areas prohibited
during certain hours. Trucks shall not be operated in ■
through ■ residential area between the hours of 10
o'clock p.m. and 6 o'clock a.m., excepting designated
state highway routes, and ■ described in Section

S.R. 3 - Southbound
Lima Road from north city limits to I-69
S.R. 3 - Northbound
Lima Road from I-69 to north city limits
S.R. 37 - Northbound
Crescent Avenue from Coliseum Boulevard to Stellhorn Road
Stellhorn Road from Crescent Avenue to east city limits
S.R. 37 - Southbound
Stellhorn Road from east city limits to Crescent Avenue
Crescent Avenue from Stellhorn Road to Coliseum Boulevard
North - South Streets
South Anthony Boulevard from Washington Blvd. to Pontiac Street
South Anthony Boulevard from U.S. 27 to Paulding R■d
Ardmore Avenue from Lower Huntington Road to Taylor Street
Baer Road from Baer Field Thruway to Lower Huntington Road
Bluffton Road from south city limits to Brooklyn Avenue
Broadway from Creighton Avenue to Main Street
Brooklyn Avenue from Bluffton Road to Taylor Street
Catalpa Street from Taylor Street to Jefferson Boulevard
Clinton Street from Northrup Street to Coliseum Boulevard
Coldwater Road from Clinton Street to I-69
Coliseum Boulevard from Pontiac Street to Washinton Boulevard
Crescent Avenue from East State Boulevard to Coliseum Boulevard
Ewing Street from Baker Street to Superior Street
Fairfield Avenue from Pontiac Street to Superior Street
Freeman Street from Taylor Street to Jefferson Boulevard
Goshen Road from Sherman Street to Coliseum Boulevard
Hobson Road from East State Boulevard to Stellhorn Road
Industrial Road from Coliseum Blvd. to Washington Center Road
Leesburg Road from Main Street to Spring Street
Lindenwood Avenue from Jefferson Boulevard to Spring Street
Sherman Street from St. Mary's River to Goshen Road
Tyler Avenue from Spring Street to West State Boulevard
VanBuren Street from Main Street to St. Mary's River
Wells Street from Superior Street to Fernhill Avenue

CITY STREETS - CITY TRUCK ROUTES

East - West Streets
Baer Field Thruway from Bluffton Road to Baer R■d
Baker Street from Fairfield Avenue to Ewing ■treet
Covington Road from Jefferson Boulevard to Ardmore Avenue
Creighton Avenue from Broadway to Lafayette Street
Dalman Road from Baer Road to west city limits
Engle Road from Bluffton Road to west city limits
Fernhill Avenue from Wells Street to Northrup ■treet
Illinois Road from ■ city limits to Jefferson Boulevard
Jefferson Boulevard from west city limits to Maumee Avenue
Lower Huntington Road from Tillman Road to west city limits
Main Street from Jefferson Boulevard to Lafayette Street
Maumee Avenue from Jefferson Boulevard to Washington Blvd.
New Haven Avenue from Wayne Trace to Coliseum Boulevard
Oxford Street from Lafayette Street to ■ city limits
Paulding Road from Lafayette Street to east city limits
Pontiac Street from Fairfield Aveue to Coliseum Boulevard
Spring Street from west city limits to Wells Street
East State Boulevard from ■ city limits to Clinton Street
West State Boulevard from west city limits to Wells Street
St. Joe Center Rd. from Washington Center Rd. to ■ city limits
Superior Street from Sherman Street to Lafayette Street
Taylor Street from Jefferson Boulevard to Broad■y
Tillman Road from Lower Huntington Road to ■ city limits
Washington Boulevard from east city limits to Jefferson Boulevard
Washington Center Road from west city limits to St. Joe Center Rd.
Wayne Trace from Anthony Boulevard to Hessen C■ Road

Sec. 17-87. Enforcement.
(a) Traffic Engineer. The Traffic Engineer shall keep and maintain accurate maps setting out truck routes and streets upon which truck traffic is permitted: the maps shall be kept on file in the office of the traffic engineer and shall be available to the public.
(b) Weigh-In. The Chief of Police shall have the authority to require any person driving or in control of any commercial vehicle not proceeding over a truck route or street over which truck traffic is permitted to proceed to any public or private scale available for the purpose of weighing and determining whether this Ordinance has been complied with.
Sec. 17-88. Truck loads causing litter

r shall any person drive or move any vehicle or
ck within the city, the wheels or tires of which carry
to or deposit in any street, roadway, alley or other
blic place any mud, dirt, sticky substances or foreign
tter of any kind. (Ord. G-34.1.)
Sec. 17-89. Penalties.
Every person convicted of ■ violation of this section
all be punished by ■ fine of two hundred fifty dollars
250.00) plus court cost.
Sec. 17-90. Severability.
(a) If any provision or term of this chapter, or any
plication thereof, is held invalid, the invalidity shall
affect other applications of the provisions of terms
his chapter which reasonably can be given effect
hout the invalid provision or term for the application
reof.
(b) Article IX shall be completely reviewed by the
per governmental authority upon completion of
h leg of the new Fort Wayne byPass.
Sec. 17-91. Truck Parking restrictions.
The driver of ■ vehicle with an overall length of more
n twenty (20) feet, or with an overall width of more
n seven (7) feet, six (6) inches, shall not park such
icle on or in any street or alley or driveway in ■y
idential district in the city, except temporarily while
ually engaged in loading or unloading freight or
■ materials on or from such vehicle, nor shall any
k-tractor, farm tractor, road tractor, semi-trailer,
-tractor, or any other commercial vehicle be parked
or in any driveway, street, or alley in
residential district, except temporarily while said
icle is being used for unloading freight or other
erials on or from such vehicle. (Ord. 2736,
rd. No. G-15-84, 2, 7-24-84)
Sec. 17-92. Load limits on bridges.
a) The Board of Public Works and Safety is hereby
horized, by resolution regularly adopted, to reduce
gross load weight allowed on any bridge,
seway or viaduct below that prescribed by state
whenever such board may determine that the
imum load otherwise permitted is greater than
n bridge, causeway or viaduct can sustain without
ous damage or with safety to itself.
b) When signs are erected pursuant to this section
conspicious place at the end of the structure,
cating the gross weight allowed on any such
ge, causeway or viaduct, no vehicle shall be moved
such bridge, causeway or viaduct when the gross
ght of such vehicle is greater than that
wed on such bridge, causeway or viaduct. (Ord.
6, 1.)

ARTICLE X. SIGHT RESTRICTIONS

17-93. Corner visibility.
lo fence, wall, hedge or other planting or other
ruction to vision, extending in excess of three feet
ve or hanging lower than eight feet above
established street centerline grade shall be
ted, planted or maintained in the areas described
w; provided, that this restriction shall not apply
uildings in the B-3-A district ■ established under
pter 33.
) Corner lot. The area bounded by the edges of
secting roadways and a line intersecting such
lines at points forty feet distant from the
section of the edge of roadway lines extended on
bearing before any deflection for the intersec-

) Lot at intersection of alley. The ■■■ bounded by
edge of the roadway and the edge of the
secting alley and a line intersecting such edge lines
ints ninety feet distant on the roadway ■d fifteen
distant on the alley from the intersection of such
lines extended on their bearing before any
ction for the intersection.
any owners shall fail to remove any such
ructions within fifteen days after notice, the city
engineer may cause them to be removed at the
■■ of the owner. The police department, street
rtment, park department and building depart-
will cooperate with the traffic engineer in the
cement of this provision. (G-01-68, 1.)

ARTICLE XI. SNOW

17-94. Snow alert - Definition.
'snow alert" is hereby declared by the Board of
■ Works and Safety to be a period of time prior to,
g or after ■ snowfall of an actual or
cated accumulation of not less than two (2)
s as forecast by the United States Weather
au and during which time vehicular traffic is
cted to be particularly hazardous or congested
o the elements, and during which period of time
arking of such vehicles could hinder, delay,
obstruct the safe flow of traffic and the proper
ing, clearing and making safe of certain heavily
ed public streets of this city, which streets shall
signated ■■ "Snow Control Routes" and listed in
dule 18, maintained in the office of the Traffic
eer.
c. 17-95. Definition of Snow Emergency.
'snow emergency" is hereby declared to be ■
d of time prior to a forecast by the United States
her Bureau during and after ■ snowfall,
which the vehicular traffic is expected to be
ularly hazardous or congested due to the
nts, and during which period of time the parking
h vehicles could hinder, delay, and obstruct the
low of traffic and the proper cleaning, clearing
naking safe of certain heavily traveled public
s of this city, which streets shall be designated ■■
control routes and listed in Schedule 18,
ained in the office of the Traffic Engineer.
c. 17-96. Snow Alert - Determination and
rmation by the Board of Public Works and
; duration.
Snow Alert" shall commence by order of the
of Public Works and Safety before during or
snowfall with an accumulation of not less than
2) inches. The sound judgment and discretion of
oard when the circumstances warrant the
mination of such ■ condition for the public safety
city. Such "Snow Alert" shall continue in effect
he Board of Public Works and Safety shall
ue in effect until the Board of Public Works and
shall determine that such a condition

equipment required in this article. (Ord. 2726, 1.)
Sec. 17-111. Bicycle dealers.
Every person engaged in th■ business of buying or selling new or secondhand bicycles shall, on or before the third day of each month, make ■ report to the city controller of every bicycle purchased or sold by such dealer during the immediately prior month, giving the name and address of the person from whom purchases or to whom sold, ■ description of such bicycle by name or make, the frame number thereof and the number of license plate or decal, if any, found thereon. (Ord. 2726, 1.)
Sec. 17-112. Speed.
No person shall operate ■ bicycle at ■ speed greater than is reasonable and prudent under the conditions then existing. (Ord. 2726, 1.)
Sec. 17-113. Emerging from alley or driveway.
The operator of a bicycle emerging from an alley, driveway
or building, shall upon approaching ■ sidewalk or the sidewalk ■■■ extending across any alleyway, yield the right-of-way to all pedestrains approching on such sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on such roadway. (Ord. 2726, 1.)
Sec. 17-114. Parking.
No person shall park ■ bicycle upon the traveled portion of the street. Bicycles may be parked only upon the sidewalk area in a rack provided to support the bicycle or against a building or in such manner ■■ to afford the least obstruction pedestrain traffic. (Ord. 2726, 1; Ord. G-26-68, 2.)
Sec. 17-115. Riding on sidewalks.
(a) No person shall ride ■ bicycle upon ■ sidewalk within a business district.
(b) Whenever any person is riding ■ bicycle upon ■ sidewalk, such person shall yield the right-of-way to any pedestrain and shall give audible signal before overtaking and passing such pedestrain.
(c) No person shall operate ■ moped or motorized bicycle on any sidewalk or other path designed for the primary ■■■ of bicycles. (Ord. 2726, 1.)
Sec. 17-116. Penalties for violation of article.
Every person convicted of ■ violation of any provision of this article shall be punished by a fine of not l■■ than five dollars ($5.00) and not more than one hundred dollars ($100.00) or by the removal and detention of the license plate or decal from such person's bicycle for ■ period not to exceed thirty (30) days or by the impounding of such person's bicycle for a period not to ■■■d thirty (30) days or by any combination thereof. (Ord. 2726, 1; Ord. G-26-68, 4.)

ARTICLE XIII. ICE CREAM TRUCKS.

Sec. 17-117. Definitions
(a) Ice cream truck shall mean every motor vehicle in which ice cream, ice milk, frozen dairy products or ice flavored with syrup is carried for purposes of retail sale on the streets of the city.
(b) Vend or vending shall mean offering ice cream, ice milk, frozen dairy products of ice flavored with syrup for sale from ■ motor vehicle on the public streets of the city. (Ord. No. G-07-82, 2, 5-25-82)
Sec. 17-118. Inspection, equipment and licensing.
Once every year prior to the issuance of any license to any person who uses and operates any ice cream truck on the streets of the city, the owner thereof shall cause said ice cream truck to be thoroughly examined and inspected by the health officer of the city-county board of health to determine compliance with the minimum sanitation and health requirements specified by the state board of health. Written proof of said inspection shall be promptly transmitted by the health officer to the office of the controller of the city. Upon receipt of the written proof of inspection showing compliance with minimum sanitation and health requirements as hereinabove specified and prior to the issuance of a vendor or peddler's license as set from hereinafter and prior to the use and operation of said ice cream truck, said ice cream truck shall be thoroughly examined and inspected by the police department and must have the following safety equipment on said vehicle in good working order.
(1) A metal, horizontally extendable sign at least twenty (20) inches in length, and at least ten (10) inches in width imprinted with the words "STOP" in six-inch, black block letters on yellow background, and "PROCEED WITH CAUTION" in two-inch black block letters on yellow background, such arm to be lighted at the street end of said arm with two (2) alternately flashing lights two (2) inches in diameter, amber in the front and red i■ the back clearly visible from both front and rear directions at a distance of at least three hundred (300) feet, the bottom of said sign to be at a height between three (3) and five (5) feet above the level of the street or way.
(2) The inspection letter for each vehicle by the board of health and police department shall be carried in that vehicle.
(3) Each vendor driver shall possess ■ valid Indiana chauffeur's driver's license. The owner shall provide his drivers, in the spring, ■ safety program of at least two (2) hours taught by a qualified instructor in the operation of the ice cream truck and vending of the ice cream, etc. (Ord. No. G-07-82, 3, 5-25-82. Ord. No. G-12-83, 1, 4-12-83)
Sec. 17-119. Violations by motorists.
(a) It shall be unlawful for ■■y motorist when approaching a parked (defined as located within six (6) inches of the curb or side of road, whichever is applicable) ice cream truck from any direction at ■ time when such ice cream truck is displaying the metal extendable arm and the flashing lights, to fail to come to ■ complete stop at least ten (10) feet from the closest end of said ice cream truck or to fail to then proceed with caution past such ice cream truck at a reasonable and prudent speed and to yield the right-of-way to any pedestrian who crosses the roadway to or from the side of said ice cream truck; provided, that on any street or highway divided into two (2) or more roadways by leaving ■■ intervening space which is unimproved and not intended for vehicular traffic, or by ■ physical barrier or by a dividing section constructed to impede vehicular traffic, if the ice

greeting

ickets; people who wanted to see me in the
notel.
"Actually, we didn't want to worry too
nuch about the game anyway. We didn't
want to put that kind of pressure on
ourselves."
The Patriots' not having won ■ playoff
since 1963, when Tippett was 4, was ■
arge enough monkey to shake.
"I'd heard and read so much about our
not being able to win the big games, about
all that talent not being able to do much,"
he four-year veteran recalled. "We were
ired of it. We figured: 'Let's go out and do
something about it.'
"We're over that hump now."
If the Jets were a hump, the Raiders
next week qualify as a hill, if not a
mountain. That can wait. Give Tippett a
chance to reflect on another routinely
stunning afternoon.
In addition to knocking O'Brien out of
the game, Tippett forced another sack and
clobbered Freeman McNeil, causing him to
tip the ball to ■ Patriots' teammate.
Tippett's postgame theme was lessons,
those learned from the uncle several years
ago and those learned from a loss to the
Jets at Giants Stadium several weeks ago.
"I learned that if you stop moving your
feet (against right tackle Marvin Powell),
he'll kill you," Tippett said. "In the other
game, Powell ran me by the quarterback
four or five times. I wasn't using my head
like I should have. I came inside more this
time. I kept him honest."
Still being honest, Tippett admitted that
he told Patriots publicists about his interest
in cooking "just to draw attention."
That was insurance, in case his
second-degree black belt in karate was not
enough of an angle. His toughness was
certified the time against the Bills last year
when his helmet was knocked off and he
made the tackle anyway.
Washington Post

he World was
ears Younger

, Arkansas, 3500 years ago.
ountain Valley spring *today*,

lley Water is so pure. It has
an-made pollution.
his, Mountain Valley was the
wide popularity. It's sodium-
ent to taste. Have it delivered

PHONE
Valley Water
PRINGS, ARK.
422-9417

c. 17-98. Snow Emergency - Determination and lamation by mayor' duration.
snow emergency shall commence by executive r, determination and proclamation by the mayor he city, before, during or after a snow fall , in his sound judgment and discretion, the mstances warrant the determination of such rgency for the public safety of the city. Such snow rgency shall continue in effect until the mayor of ity determines that an emergency no longer exists accordingly terminates such emergency. (Ord. 4-64, 4.)

ec. 17-99. Snow Emergency - Stopping or parking cles on snow emergency routes prohibited.
shall be unlawful for the owner, driver or operator of vehicle to park or stop the same or to permit the e to be parked to stand at any time ng the period of any snow emergency on any of the es or streets listed in schedule 18, maintained on n the office of the traffic engineer. (Ord. G-14-64,

ec. 17-100. Deposit of and ice.
shall be unlawful for any person to deposit, put, or e, or to suffer, allow, or cause to be deposited, put, placed y snow or ice from any private property n any public sidewalk, street, y, or within five of any fire hydrant. (Ord. 2636, 1.)

ec. 17-101. Removal and impoundment of icles.
Any police officer upon discovering any such icles so parked or stopped in violation of this article, y remove such vehicle or the same to be oved to any city-owned property or to a private age or place authorized pursuant to ntract where such vehicle shall be impounded and ained and shall be released only provided in tion 17-3. (Ord. G-14-64, 6,7.)

ARTICLE XII. BICYCLES

c. 17-102. License -- Required.
No person six (6) years of age or over, who resides hin this city, shall ride or propel a bicycle on any or upon any public path set aside for exclusive use of bicycles unless such bicycle has en licensed and a license plate or decal is attached ereto as provided in this article. (Ord. 2726, 1.)

Sec. 17-103. Same - Application.
Application for a bicycle license and license plate or cal shall be made upon a form provided by the city, all be accompanied by reasonable proof of nership and shall be made to the city controller. An nual license fee of twenty-five cents ($0.25) shall be id to the city before a license or renewal thereof granted. (Ord. 2726, 1.)

ec. 17-104. Same - Issuance; records
(a) The city controller, upon receiving proper plication therefore, is authorized to issue a bicycle ense which shall be effective until the next ceeding first day of May.
(b) The city controller shall not issue a license for y bicycle when he knows or has reasonable ground believe that the applicant is not the owner or entitled to the possession of such bicycle.
(c) The city controller shall keep a record of the mber of each license, the date issued, the name and ddress of the person to whom issued, and the number the frame of the bicycle for which issued, and a cord of all bicycle license fees collected by him, and all provide a copy thereof to the chief of police. (Ord. 726, 1; Ord. G-31-1.)

Sec. 17-105. Same - Attachment of plate decal.
(a) The city controller, upon issuing a bicycle ense, shall also issue a license plate or decal bearing license number assigned to the bicycle, the of the city and the expiration date thereof.
(b) The city controller shall cause such license plate decal to be attached to the bicycle and shall be used such position as to be plainly visible from the rear.
(c) No person shall remove a license plate or decal om a bicycle during the period for which issued, except upon a transfer of ownership or in the event he bicycle is dismantled and no longer operated upon ny street in this city. (Ord. 2726, 1; Ord. G-940

Sec. 17-106. Same - Renewal.
Upon the expiration of any bicycle license, the may be renewed upon application for and payment of he fees for the upon an original pplication. (Ord. 2726, 1.)

Sec. 17-107. Same - Disposition upon transfer of wnership.
Upon the or other transfer of a licensed bicycle, he licensee shall remove the license plate decal and hall either surrender the to the city controller, or nay, upon proper application but without payment of dditional fee, have such plate or decal assigned to nother bicycle owned by the applicant. (Ord. 2726, .)

Sec. 17-107.1. Altered manufacturer's serial umbers:
It shall be unlawful to destroy, remove, alter, cover or deface the manufacturer's serial number of any bicycle. It shall be unlawful for any person to own or have custody of a bicycle, the original manufacturer's serial number of which has been destroyed, removed, altered, covered or defaced. (Res. No. R-92-80, 1, 10-28-80)

Sec. 17-108. Inspection
The chief of police, or officers of the police or fire departments assigned such responsibility by him, shall inspect each bicycle before the same is licensed, and the city controller shall refuse a license for any bicycle which the chief of police determines is in unsafe mechanical condition or not equipped in accordance with this article. (Ord. 2726, 1.)

Sec. 17-109. Education campaign for bicycle riders.
The chief of police, or an officer assigned such responsibility, shall develop and supervise activities designed to promote better bicycle riding habits, knowledge and observance of traffic regulations by bicycle riders, and other activities which increase the safe operation of bicycles on the city streets. (Ord. 2726, 1.)

Sec. 17-120. Vending restrictions.
(a) The driver of an ice cream truck shall come to a full and complete stop within six (6) inches of the curb or side of the road. The vendor shall then actuate the alternately flashing red and amber lights and extend the stop signal arm required by this Article XII, prior to vending.
(b) The required signal arm and flashing lights shall not be used when the ice cream truck is in motion nor at any time when the ice cream truck is stopped for a purpose other than vending.
(c) The driver or vendor therein of an ice cream truck shall not back the truck to make or attempt to make a sale.
(d) The driver or vendor therein of ice cream truck shall vend only from the side of said ice cream truck away from moving traffic.
(e) It shall be unlawful to offer to vend on any public street where parking is prohibited on one side or on both sides of said public street, or on any public street where the legal speed limit exceeds thirty (30) miles per hour.
(f) It shall be unlawful to offer to vend or to vend from any ice cream truck on any public street before the hour of 9:00 A.M., between the hours of 5:00 P.M. and 6:00 P.M. and after dusk.
(g) It shall be unlawful to offer to vend or to vend from any ice cream truck within a distance of one thousand (1,000) feet of any real estate which is then used as part of the school grounds of any duly accredited public or private, grade or junior high school between the hours of 7:00 A.M. and 4:00 P.M. on days when said schools are in session. (Ord. No. G-07-82, 5, 5-25-82)

Sec. 17-121. Violations by ice cream vendor or driver any ice cream truck.
Any ice cream vendor or driver of an ice cream truck who operates an ice cream truck in violation of this Article XII, shall be fined not to exceed fifty dollars ($50.00) and court costs for such violation. (Ord. No. G-07-82, 6, 5-25-82)

Sec. 17-122. Permissive vending at special events.
It shall be lawful for an ice cream truck duly inspected and licensed under Section 17-117 of this Article XII, to vend its wares at special events, such as fireworks, Three Rivers Festivals, company benefits and parties in places other than on public streets without complying with the provisions of section 17-119 (a), (b), (c), (d), (e) and (f). (Ord. No. G-07-82, 7, 5-25-82)

Sec. 17-123. Payment of fines.
All fines and penalties shall be paid to the Fort Wayne Violations Bureau located in the office of the City Clerk. (Ord. G-07-82, 8, 5-25-82)

ARTICLE VIX. TRAFFIC DIVISION OF POLICE DEPARTMENT

Sec. 17-124. Established; duties.
(a) There is hereby established in the police department of this city a traffic division to be under the control of a captain of police appointed by and directly responsible to the chief of police.
(b) It shall be the general duty of the traffic division and of all members of the police department to enforce the street traffic laws and regulations of this city and all of the state vehicle laws applicable to traffic in this city; to make arrests for traffic violations; to investigate accidents; to cooperate with the city traffic engineer and other officers of the city in developing ways and means to improve traffic conditions; and to carry out those duties specially imposed upon such division by this chapter and other specific ordinances of this city.
(c) It shall be the particular duty of the traffic division:
(1) To keep records of all violations in this city of this chapter and other ordinances of this city and of the state traffic and vehicle laws of which any person has been charged, together with a record of the disposition of all such alleged offenses. Such records shall be so maintained as to show all types of violations and the total of each. All forms for records of violations shall be serially numbered for each month and year, and written records shall be kept available to the public, showing the disposal of such forms. All such records and reports shall be public records.
(2) To investigate traffic accidents and, assisted by other members of the police department, to arrest and to assist to the prosecution of those persons charged with violations causing or contributing to such accidents.
(3) To assist the city traffic engineer in conducting studies of the causes of such accidents and determining remedial measures whenever three accidents have occurred at any particular location within a period of one year.
(4) To maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed alphabetically by location. Such reports shall be transferred to city traffic engineer after three months.
(5) To receive and properly file all accident reports made to it under state law or under any ordinance of this city, but all such accident reports made by drivers shall be for the confidential use of the police department and the city traffic engineer only, and no such report shall be admissible in any civil or criminal proceedings other than upon request of the person making such report or upon request of the court having jurisdiction to prove a compliance with the laws requiring the making of any such report.
(6) To maintain suitable records of all traffic accidents warranting karrest or conviction and complaint reports for each driver, which shall be filed alphabetically under the name of the driver concerned.
(7) To study the of all drivers charged with frequent or serious violations of the traffic laws or involved in frequent traffic accidents or in serious accidents and take whatever steps are lawful and reasonable to prevent the or to have the licenses of such persons suspended or revoked.
(8) To accumulate all records during at least a

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HEAVY DUTY

the common council a traffic report which shall contain information on traffic matters in this city as follows:
a. The number of traffic accidents, the number of persons killed, the number of persons injured and other pertinent accident data.
b. The number of traffic accidents investigated, and other pertinent data on the safety activities of the police.
c. The plan and recommendation of the division for future traffic safety activities.
(10) To designate a type of pennant or other identifying insignia to be displayed upon, or other

Form Prescribed by State Board of Accounts

General Form No. 99P (Rev. 1967)

Fort Wayne Common Council
(Governmental Unit)
Allen County, IN

To NEW-SENTINEL Dr.
P.O. BOX 100
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PUBLISHER'S CLAIM

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Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Drusilla Roose

Date Jan. 6, 19 86

Title CLERK

FORM #903

ATTACH COPY OF ADVERTISEMENT HERE

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Roose who, being duly sworn, says that he/she is CLERK of the NEWS-SENTINEL a DAILY newspaper of general circulation printed and published in the English language in the city town of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows:

12/30/85 and 1/6/86

Drusilla Roose

Subscribed and sworn to me before this 6th day of January 19 86

Anne M. Perkins Notary Public

My commission expires November 29, 1989

LEGAL NOTICE

Notice is hereby given that on the 8th day of October, 1985, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. S-85-08-26 (as amended) (as amended) (as amended) Special Ordinance No. S-185-85

BILL NO. S-85-08-26 (as amended) (as amended) (as amended)

SPECIAL ORDINANCE NO. S-185-85

AN ORDINANCE amending the Municipal Code of the City of Fort Wayne, Indiana, by deleting Chapter 17, thereof, and replacing therewith an entire new Chapter entitled "Motor Vehicles and Traffic"

WHEREAS, the Municipal Code of the City of Fort Wayne, Indiana, presently contains a Chapter 17 entitled "Motor Vehicles and Traffic"; and

WHEREAS, this Chapter needs to be amended in order to bring the entire chapter up-to-date by deleting sections already covered by the Indiana State Motor Vehicle law or have been found to be obsolete, or are found to be more applicable under that Chapter; and

WHEREAS, the Traffic Engineering Department and Police Traffic Division have recommended additions to Chapter 17 in order to secure the safety and convenience of the citizens of Fort Wayne, Indiana;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Chapter 17 of the Municipal Code of the City of Fort Wayne, Indiana, is hereby amended by deleting therefrom the present language and replacing therewith the language noted on the attached "Exhibit A" and made ■ part hereof, which now constitutes Chapter 17.

SECTION 2. That the following be deleted from the chapters presently containing these sections and that these same sections be incorporated into Chapter 17 ■■ noted:

Sec. 7-191 through and including 7-197 being renumbered ■■ Article XII; Sec. 18-24 & 18-24.1 be renumbered as Article IX. Sections (17-76) and (17-76.1); Sec. 25-3 being renumbered Section 17-97; and Sec. 25-6 being renumbered 17-88.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor, effective date of this ordinance is January 10, 1986.

Charles B. Redd
Councilmember

Read the third time in full and on motion by Redd, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Henry, Redd, Schmidt, Stier, Talarico

NAYS: None

DATE: 10-8-85

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-185-85 on the 8th day of October, 1985.

ATTEST: (SEAL)
Sandra E. Kennedy, City Clerk
Mark E. GiaQuinta, Presiding Officer

Presented by ■■ to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of October, 1985, ■ the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 14th day of October, 1985, at ■■ hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

I, The Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is ■ full, true and complete copy of Special Ordinance No. S-185-85 passed by the Common Council on the 8th ■■y of October, 1985 an■ that said Ordinance was duly signed and approved by the Mayor on the 14th day of October, 1985, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 14th of October, 1985.

SEAL

SANDRA E. KENNEDY
CITY CLERK

CHAPTER 17 — Fort Wayne City Code

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ARTICLE I. IN GENERAL

Sec. 17-1. Definitions

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Alley: A right-of-way other than ■ street, road, crosswalk or easement, designed for the special accommodation of the property it reaches.

Authorized emergency vehicle. Vehicles of the fire department, police department, and such ambulances and other vehicles having ■ public emergency ■■■ as are authorized and designated by the board of public safety.

Bicycle. Any foot-propelled vehicle, irrespective of the number of wheels in contact with the ground.

Business district. The territory contiguous to and including a street when fifty (50) percent or more of the frontage thereon for ■ distance of five hundred feet or more is occupied by buildings in use of business.

Central business district. All streets and portions of streets within the area described in schedule I maintained on file in the office of the traffic engineer.

Crosswalk:

(1) That part of ■ roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs from the edges of the traversable roadway.

(2) Any portion of ■ roadway at an intersection or elsewhere distinctly indicated for pedestrian by lines or other markings.

Curb loading zone. A space adjacent to ■ curb, or lateral boundary line of ■ roadway, reserved for the exclusive ■■■ of vehicles while loading or unloading passengers or materials.

Driver. Every person who drives or is in actual physical control of ■ vehicle.

Firefighter. Any active member of the Fort Wayne Fire Department, excluding those members who are assigned to the department of traffic engineering and/or the communications department of the City of Fort Wayne, Indiana, and excluding also those former members who are on the retired list of the Fort Wayne Fire Department.

Freight curb loading zone. A curb loading ■■■ reserved for the exclusive use of vehicles whole loading or unloading freight.

MOTOR VEHICLES AND TRAFFIC

Intersection:

(1) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two streets which join one another at an angle.

(2) Where a street includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided street by an intersecting highway shall be regarded as ■ separate intersection. In the event such intersecting street also includes two roadways thirty feet or more apart, then every crossing of two roadways of such street shall be regarded ■■ ■ separate intersection.

Laned roadway. A roadway which is divided into three or more clearly marked lanes for vehicular travel.

Moped/Motorized Bicycle: A bicycle with operable pedals which may not ■■ propelled by human power or by ■■ internal combustion engine or battery powered motor, or by both, and when powered by ■■ internal combustion engine having ■ rating of no more than one and five-tenths (1 5/10) brake horsepower and a cylinder capacity not exceeding fifty (50) cubic centimeters, ■■ automatic transmission, and ■ maximum design speed of no more than twenty-five (25) miles p■■ hour on a flat surface.

Motorcycle. Every motor vehicle having ■ saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

Motor vehicle. Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

Official traffic control devices. All signs, signals, markings and devices not inconsistent with this chapter placed or erected by authority of ■ public body or official having jurisdiction, for the purpose of regulating, warning ■■ guiding traffic.

Park. The standing of ■ vehicle, whether occupied or temporary or experimental regulation pro\ therein, ■ the case may be. Every such resolution be permanently enrolled and recorded by such b in ■ special, permanently bound book provide such board for such purpose, which book shall be to public inspection. Copies of each such resol and written confirmation of any extension, certified by the secretary of such board, sha delivered to the city traffic engineer, chief of police attorney, city clerk and the president of the council, respectively, within forty-eight hours afte adoption thereof. Any resolution of the com council granting an extension thereof delivered t city traffic engineer, chief of police, city attorney the president of the city council, respectively, w forty-eight hours of the grant of any such extens

(b) The Board of Public Works and Safety have the authority to:

(1) Place and maintain traffic control signs, si and devices when and as required to make effe the provisions of this chapter or other t ordinances of this city, or to facilitate the moveme promote the safety of traffic at an intersection, a place and maintain such additional traffic co devices as it may deem necessary to regulate t under state law or to warn traffic, subject to provisions of section 17-5 (b) of this cha as to traffic control signals.

(2) Authorize or designate authorized emerg vehicles as defined in section 17-1.

(3) Establish play streets in accordance section 17-61.

(4) Establish speed zones in parks in accord with section 17-40.

(5) Designate "yield" intersections in accord with section 17-52.

(6) Determine angle parking locations in ■ dance with section 17-77.

(7) Restrict parking at schools in accordance section 17-86.

(8) Restrict parking near intersections in ac dance with section 17-87.

(9) Designate curb loading zones in accordance section 17-102.

(10) Designate bus and taxi stands in accorda with section 17-105. (Ord. 2726, 1; Ord. G-55, 1; G-15-68, 1.)

Sec. 17-5. City traffic engineer.

(a) The office of city traffic engineer is her established. The city traffic engineer shall ■ appointed by the mayor and shall exercise the pow and duties provided in this chapter. He shall have assistants and staff ■■ shall be determined by Board of Public Works and Safety with the appr of the mayor.

(b) It shall be the general duty of the city tr engineer to determine the need for the installatio and the proper time and timing of traffic con devices, including traffic control signals on thro streets duly established by ordinance pursuant to chapter, other than state or federal highways; to ins and maintain such traffic control devices, to cond engineering analysis of traffic accidents and to det remedial measure therefore, to conduct engineer inv■■tigations of traffic conditions and to coope with other city officials in the development of ways means to improve traffic conditions and to carry the additional powers and duties imposed ordinances of this city; provided, that no automo traffic control device shall be installed until appro by resolution of the common council of city.

(c) It shall be the particular duty of the city tra engineer to:

(1) Designate crosswalks, safety zones, and m traffic lanes in accordance with section 17-63.

(2) Place turn markers, buttons or signs accordance with section 17-42.

(3) Determine turn restrictions in accordance section 17-43.

(4) Devise one-way streets and alleys accordance with section 17-46.

(5) Erect stop signs on through streets accordance with section 17-49.

(6) Determine angle parking locations in acc dance with section 17-77. (Ord. 2726, 1; G-69-68, 1; Ord. G-15-68, 2; Ord. G-25-68, 1).

Division 2. Penalties and Procedures on Arre

Sec. 17-6. Penalties.

(a) Unless another penalty is expressed provin by law, every person convicted of ■ violation of provision of this chapter shall be punished a fine of not more than one thousand do ($1,000.00). (Ord. 2726, 1; Ord. No. G-37-7 9-27-77, Ord. No. S-59-82, 3, 4-13-82).

(b) There is hereby established the follow schedule of penalties for violations of the follow provisions of chapter 17 of the Code of the City of Wayne, Indiana of 1985.

(1) Section 61: If the violator appears in respo to a notice affixed to such motor vehicle within a pe of 14 calendar days from the date and shown on said notice affixed to such motor vehicle, penalty shall be $5.00. If the violator fails to appe response to ■ notice affixed to such mo vehicle within 14 calendar days from the date and t shown on said notice affixed to such motor vehicle penalty shall be $10.00.

(2) Sections 52, 65, 42 (15), 38, & 42: If violator appears in response to ■ notice affixed to s motor vehicle within ■ period of 14 calendar days f the date and time shown on said notice affixed to s motor vehicle, the penalty shall be $10.00. If violator fails to appear in response to a notice affixe such motor vehicle within 14 calendar days from date and time shown on said notice affixed to ■ motor vehicle the penalty shall be $20.00.

(3) Sections 42 (a) (1), 42 (a) (5), 42 (14) (a) (4), 43, 48 (c), & 69.5 (c):

If th■ violator appears in response to a notice affi to such motor vehicle within a period of 14 calen

17-22. — Limited access roadways.
17-23. — Boarding or alighting from vehicles.
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17-25. — Driving through safety zone prohibited.
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right-of-way to traffic entering upon the other street when proper signs are erected or provided in this chapter.

Private road or driveway. Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

Railroad. A carrier of persons or property upon cars, other than street cars, operated upon stationary rails.

Railroad train. An engine, whether powered by steam, gasoline, electric, diesel or other type motor, with or without cars coupled thereto, operated upon rails.

Residence district. The territory contiguous to and including a street not comprising a business district, when the property on such street for a distance of five hundred feet or more is in the main improved with residences or residences and buildings in use for business.

Right-of-way. A general term denoting land, property or interest therein, usually in a strip of land acquired for or devoted to the construction of a highway, road, or street that will include the travelled way, shoulders, roadsides, auxiliary lanes, medians, border areas, park strips, sidewalks, curbs, gutters, and frontage roads.

Roadway. That portion of a street improved, designed or ordinarily used for vehicular travel. In the event a highway includes two or more separate roadways, the term roadway as used herein shall refer to any such roadway separately but not to all such roadways collectively.

Safety zone. The area or space set apart within a roadway by the board of public safety for the exclusive use of pedestrians and which is structurally protected, or is so marked, or is so indicated by adequate signs as to be plainly visible at all times.

Sidewalk. That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

Stop. Complete cessation of movement.

Stop intersection. An intersection where traffic on one street is required by law to stop before entering or crossing the same when stop signs are erected as provided in this chapter.

Stop, stopping or standing. Any stopping or standing of a vehicle whether occupied or not, except when necessary to avoid conflict with traffic or in compliance with the direction of a police officer or traffic control sign or signal.

Street or highway. The entire width between the boundary lines of every way publicly maintained, except alleys, when any part thereof is open to the use of the public for purposes of vehicular travel.

Through street. Every street or portion thereof at the entrance to which vehicular traffic from intersecting streets or highways is required by law to yield the right-of-way to vehicles on such through street or highway, in obedience either to a stop sign or a yield sign, when such signs are erected or provided in this chapter.

Traffic. Pedestrians, ridden or herded animals, vehicles and other conveyances, either singly or together, while using any street for purposes of travel.

Traffic control signal. Any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.

Traffic division. The traffic division of the police department of this city.

Vehicle. Every device in, upon or by which person or property is or may be trasported or drawn upon a street, except devices moved by human power or used exclusively upon stationary rails or tracks.

Yield intersection. An intersection where traffic entering on one street is required to slow down to a speed reasonable for existing conditions, or stop if necessary before entering or crossing the same, when "Yield" signs are erected or provided in this chapter. (Ord. 2726, Sec. 1; Ord. G-15, Sec. 1,2)

For state law as to definitions relative to highway traffic, see IC 1971, Sec. 9-1-2-1 et seq. As to definitions relative to registration and licensing of vehicles, see IC 1971, Sec. 9-1-1-2 et seq.

Sec. 17-2. Effect of chapter.

This entire chapter shall be deemed and construed to an exercise of the police powers of this city for the preservation and protection of public safety, and all of its provisions shall be liberally construed with a view to the effectuation of such purpose. (Ord. 2726, Sec. 1)

ARTICLE II. ADMINISTRATION OF ENFORCEMENT OF CHAPTER.

Division 1. Generally

Sec. 17-3. Required obedience to traffic regulations.

It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this chapter or to counsel, aid or abet therein. (Ord. 2726, 1.)

Sec. 17-4. Board of public safety.

(a) The board of public safety, by and with the written advice of the city traffic engineer, is empowered:

(1) To make regulations necessary to make effective the provisions of this chapter.

(2) To make regulations to carry out its delegated authority hereunder.

(3) To make temporary or experimental regulations to cover emergency or special conditions. No such temporary or experimental resolution shall remain in force for more than sixty days plus one additional sixty-day extension or written confirmation by the board of public safety; and, or resolution of the common council, one further extension of thirty days may be provided; nor shall the streets, alleys, public ways, or territories designated in a temporary or experimental regulation be subject to an extension of the same temporary or experimental regulation or one substantially the same or similar thereto, with respect to locale, other than as provided in this section without the consent and approval of the common council.

chapter and other laws and ordinances of this city. Such forms shall be issued to and receipted for by the chief of police or other person acting for him. The clerk shall each month report to the mayor the disposition made by the police of all triplicate forms issued to them. For this purpose, the city clerk or representative shall have access to the necessary records of the police department. These reports shall be public record. (Ord. 2726, 1.)

Sec. 17-8. Procedure upon arrest.

Except when authorized or directed under the state law to immmediately take a person arrested for a violation of any traffic law before a magistrate, a police officer, upon making an arrest for violation of any state traffic laws, this chapter or other traffic ordinances of this city, shall take the name, address and operator's license number of the alleged violator and the registered number of the motor vehicle involved, shall issue to him in writing, on the form provided by the city clerk, pursuant to section 17-7, a notice to answer to the charge against him at a place and at a time at least five (5) days after such arrest to be specified in the notice and forthwith release the person arrested from custody. The officer shall send one copy of such notice to the captain of the traffic division and one copy to the traffic violations bureau. (Ord. 2726, 1.)

Sec. 17-9. Failure to obey notice or summons.

Any person who fails to appear in response to a notice provided in section 17-8 is guilty of a misdemeanor, regardless of the disposition of the charge for which he was originally arrested. (Ord. 2726, 1.)

Sec. 17-10. Notice of illegaly parked vehicles.

Whenever any motor vehicle driver is found parked standing or stopped in violation of any of the restrictions imposed by this chapter or other ordinance of this city, or state law, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its owner, and shall conspicuously affix to such vehicle a notice in writing, on the form provided by the city clerk pursuant to section 17-7, for the driver to answer to the charge against him within forty-eight (48) hours. The officer shall send one copy of such notice to the captain of the traffic division. (Ord. 2726, 1.)

Sec. 17-11. Failure to comply with notice attached to parked vehicle.

If a violator of the restrictions on stopping, standing or parking under this chapter or other traffic laws or ordinances does not appear in response to a notice affixed to such motor vehicle within a period of forty-eight hours, the traffic violations bureau shall send to the owner of the motor vehicle to which the notice was affixed, a letter informing him of the violation and warning him that in the event such violation continues to disregard the notice, a complaint will be filed and warrant for arrest issued. The mailing of such letter shall not be deemed jurisdictional. (Ord. 2726, 1.)

Sec. 17-12. Presumption in reference to illegal parking.

In any prosecution charging a violation of any law or regulation governing the stopping, standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such law or regulation, together with proof that the defendant named in the complaint was at the time such stopping, standing or parking the registered owner of such vehicle shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who stopped, placed or parked such vehicle at the point where, and for the time during which such violation occurred. (Ord. 2726, 1.)

Sec. 17-13. When complaint to be issued.

In the event any person fails to comply with a notice given to such person or attached to a vehicle pursuant to sections 17-8 or 17-9, respectively, or fails to make appearance pursuant to a summons directly or appearance in the violations bureau, the city clerk shall forthwith have a complaint entered against such person and secure and issue a warrant for his arrest. (Ord. 2726, 1.)

ARTICLE II. ENFORCEMENT OF AN OBEDIENCE TO TRAFFIC REGULATIONS

Sec. 17-14. Authority of police officers; authority of members of fire department to assist police at fires.

(a) It shall be the duty of the officers of the police department of this city to enforce all street traffic laws of this city and all state vehicle laws applicable to street traffic in this city.

(b) Officers of the police department of this city are hereby authorized to direct all traffic in conformance with all traffic laws and regulations; provided, that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department shall direct traffic as conditions may require, notwithstanding the provisions of the traffic laws and regulations.

(c) Members of the fire department, when at the scene of a fire, may direct or assist the police in directing the traffic thereat or in the immediate vicinity thereof. (Ord. 2726, 1.)

Sec. 17-15. Obedience to police and fire department officials.

No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer or fire department official. (Ord. 2726, 1.)

Sec. 17-16. Persons propelling pushcarts or riding animals to obey traffic regulations.

Every person propelling any pushcart or riding an animal upon a street, and every person driving any animal-drawn vehicle shall be subject to the provisions of this chapter applicable to the driver of a vehicle, except those provisions of this chapter which by their very nature can have no application. (Ord. 2726, 1.)

Sec. 17-17. Use of coasters, roller skates and similar devices restricted.

No person upon roller skates or riding in or by means of any coaster, toy vehicle, except licensed bicycles when operated in accordance with this chapter

Sec. 17-18. Public employees to obey traffic regulations.

The provisions of this chapter shall apply to the driver of any vehicle owned by or used in the service of the United States government, this state, county, township, or this city, and it shall be unlawful for any such driver to violate any of the provisions of this chapter, except as otherwise permitted in this chapter or by state statutes. (Ord. 2726, 1.)

ARTICLE IV. OPERATION OF VEHICLES GENERALLY

Division 1. Generally

Sec. 17-19. When permits required for parades and processions.

No funeral procession or parade containing two hundred or more persons or fifty or more vehicles, excepting the forces of the United States Army or Navy, the military forces of this state, and the forces of the police and fire departments, shall occupy, march or proceed along any right of way, except in accordance with a permit issued by the Board of Public Works and Safety, upon the approval by the Police Department and Traffic Engineer and such other regulations as are set forth in this chapter which may apply. (Ord. 2726, 1.)

Sec. 17-20. Vehicles not to be driven on sidewalk.

The driver of a vehicle shall not drive in, on or across any sidewalk, except at a permanent or temporary driveway or alley. (Ord. 2726, 1.)

Sec. 17-21. Limitations on backing into intersection.

No driver of vehicle shall back such vehicle across any marked or unmarked crosswalk or into any intersection, nor shall he back such vehicle at any other place, unless such movement can be made with reasonable safety and without interfering with other traffic. (Ord. 2726, 1.)

Sec. 17-22. Limited access roadways.

No person shall drive a vehicle onto or from any limited access roadway, except at such entrances and exits as are established by public authority. (Ord. 2726, 1)

Sec. 17-23. Boarding or alighting from vehicles.

No person shall board or alight from any vehicle when such vehicle is in motion. (Ord. 2726, 1.)

Sec. 17-24. Unlawful riding.

No person shall ride on any vehicle or upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty, or to persons riding within truck bodies in space intended for merchandise. (Ord. 2726, 1.)

Sec. 17-25. Driving through safety zone prohibited.

No driver of a vehicle shall at any time drive through or within a safety zone. (Ord. 2726, 1.)

Sec. 17-26. Driving in alleys.

No driver of any vehicle shall drive into, on or through any alley or any portion thereof except for the purpose of going to or departing from a place of property abutting on the section or block of such alley which such driver has caused his vehicle to enter. When such driver is operating or driving such vehicle in, on or through any alley or portion thereof, shall not exceed a speed of ten (10) miles per hour (mph). (Ord. 2726, 1.)

Division 2. Speed Regulations

Sec. 17-27. Applicability of state speed laws.

The laws of the state establishing or regulating speed limits for vehicles on public streets or highways shall apply to all public streets or highways within the city, except in the circumstances where, properly authorized by state law, such limits have been increased or decreased by local authorities on the basis of an engineering and traffic investigation, which has determined such increase or decrease to be safe and reasonable. In such circumstances, it shall be unlawful for any person to drive or operate a vehicle in excess of any speed so determined, when signs are in place giving notice thereof. An alphabetical listing of each city street, highway or portion thereof, upon which the speed limit has been increased or decreased by local authorities of the city, as herein authorized, shall be compiled by the city traffic engineer and shall be known as the "Fort Wayne Speed Limits," who shall make such listing available for public inspection. All changes in such listing by the city traffic engineer or other local authority as herein authorized shall be promptly attached to such listing. For convenience purposes, the traffic engineer may forward a certified copy of such listing, and any subsequent changes, to the court that hears and/or adjudicates violations of local speeding ordinances. (Ord. 2726, 1; Ord. No. S-59-82, 2, 4-13-82).

Sec. 17-28. Increasing state speed limits in certain zones.

It is hereby determined upon the basis of an engineering and traffic investigation that the speed permitted by state law upon those streets or portions thereof described in schedule 2, maintained on file in the office of the traffic engineer, is less than is necessary for safe operation of vehicles thereon by reason of the designation and signposting of such streets as through highways, or be reason of widely-spaced intersections, and it is hereby declared that the prima facie speed limit upon those streets or portions threreof described in schedule 2, maintained on file in the office of the traffic engineer, shall be as therein stated, which speeds so declared shall be effective at the time specified therein when signs are erected giving notice thereof. (Ord. 2726, 1.)

Sec. 17-29. Speed limits in public parks.

A speed limit of twenty-five miles per hour shall be declared the prima facie limit upon all streets and roads of the city park system; provided, that at hazardous or congested locations, a speed limit less than that specified in this section may be established, and traffic speed control devices installed, when deemed necessary at the discretion of

subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of the property to be served or to the owner of the vehicle involved, shall be limited to one particular place and one particular occasion or day, and shall grant to such person the privilege as therein stated and authorized herein; and it shall be unlawful for any permittee or other person to violate any of the special terms of conditions of any such permit.

(b) Notwithstanding the existence of a curb loading zone, no driver shall back a vehicle against a curb to load or unload unless the driver of the vehicle holds a permit issued by the chief of police granting him such privilege, and such permit shall be either in the possession of the driver or on the vehicle at the time such vehicle is backed against the curb to take on or discharge a load, and it shall be unlawful for any owner or driver to violate any of the special terms or conditions of any such special permit. (Ord. 2726, 1.)

Sec. 17-42. Parking prohibited in specified places.

(a) No person shall park a vehicle except when necessary to avoid conflict with other traffic or in compliance with law or the direction of a police officer or traffic control device in any of the following places:

(1) On a sidewalk or otherwise between the curb lines or lateral lines of any roadway and the adjacent property lines.

(2) Within 5 feet of a public or private driveway and/or alley.

(3) Within an intersection.

(4) Within fifteen feet of a fire hydrant.

(5) On a crosswalk.

(6) Within twenty feet of a crosswalk at an intersection.

(7) Within 30 feet upon the approach to any flashing beacon, stop sign, yield sign, or traffic control signal located at the side of the roadway or located overhead in some fashion.

(8) Between a safety zone and the nearest curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless the city traffic engineer has indicated a different length by signs or markings.

(9) Within fifty feet of the nearest rail of a railroad crossing.

(10) Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance of any fire station within seventy-five feet of such entrance, when properly signposted.

(11) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.

(12) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.

(13) Upon any bridgeor other elevated structure upon a highway or within a highway tunnel.

(14) At any place where official signs prohibit parking.

(15) Upon any street for any period of time longer than twenty-four (24) continuous hours, except on Saturdays, Sundays and holidays; provided, that this section shall not be deemed to apply to utility, signal and street repair vehicles when necessary performance of their primary function requires otherwise.

(16) Upon any portion of residential property other than in a driveway, or as otherwise permitted upon the street or alley adjacent to said residential real estate.

(b) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

(c) The only vehicles to be permitted to be parked in residential districts in the city shall be:

(1) Operate automobiles, vans and motorcycles, and no such automobiles, van or motorcycles shall be parked other than in the driveway, street or alley of said residential districts.

(2) Operable recreational vehicles, campers, boats and small (one-ton, panel or pick-up) trucks which shall only be parked in the driveway or alley of said residential districts but not in the street.

(d) The following vehicles will not be permitted to be parked in said residential districts: semitrucks, trucktractors, farm tractors, road tractors, semitrailer, pull-trailers, or other commercial vehicles; school buses, church buses, or inoperable automobiles, vans, motorcycles, recreation vehicles, campers, boats and trucks.

(e) Permitted and prohibited parking in residential districts is summarized as follows:

Parking of Vehicles in Residential Districts

17-42 (c) (1):

Operable automobiles - Driveway, Yes; Street, Yes; Alley, Yes; *Yard, No. Operable vans - Driveway, Y; Street, Y; Alley, Y; *Yard, N. Operable Motorcycles - Driveway, Y; Street, Y; Alley, Y; *Yard, N.

17-42 (c) (2):

Operable recreational vehicles - Driveway, Y; Street, Y; Alley, Y; *Yard, N. Operable campers, boats - Driveway, Y; Street, N; Alley, Y; *Yard, N. Operable small (one-ton, panel or pickup) trucks - Driveway, Y; Street, N; Alley, Y; *Yard, N.

17-42 (d):

Inoperable automobiles - Driveway, N; Street, N; Alley, N; *Yard, N. Inoperable vans - Driveway, N; Street, N; Alley, N; *Yard, N. Inoperable motorcycles - Driveway, N; Street, N; Alley, N; *Yard, N. Inoperable recreational vehicles - Driveway, N; Street, N; Alley, N; *Yard, N. Inoperable campers, boats - Driveway, N; Street, N; Alley, N; *Yard, N. Inoperable small (one-ton, panel or pickup) trucks - Driveway, N; Street, N; Alley, N; *Yard, N.

17-42 (d):

Operable or inoperable semitrucks - Driveway, N; Street, N; Alley, N; *Yard, N. Operable or Inoperable truck-tractors - Driveway, N; Street, N; Alley, N;

within the district or upon any of the streets described in schedule 9. (Ord. 2726, 1.)

Sec. 17-54. Parking time limited on certain streets.

(a) One-hour parking. When signs are erected in each block pursuant to this division giving notice thereof, no person shall park a vehicle for longer than one hour at any time between the hours of 8:00 A.M. and 6:00 P.M. of any day except Sundays and holidays within the district or upon any of the streets described in schedule 10, maintained on file in the office of the traffic engineer.

(b) Ninety-minute parking. When signs are erected in each block pursuant to this division, giving notice thereof, no person shall park a vehicle for longer than ninety minutes of any time between the hours of 8:00 A.M. and 6:00 P.M. of any day except Sundays and holidays within the district or upon any of the streets described in schedule 11, maintained on file in the office of the traffic engineer.

(c) Two-hour parking. When signs are erected in each block pursuant to this division giving notice thereof, no person shall park a vehicle for longer than two hours at any time between the hours of 8:00 A.M. and 6:00 P.M. of any day except Sundays and holidays within the district or upon any of the streets described in schedule 12, maintained on file in the office of the traffic engineer.

(d) Three-hour parking. When signs are erected in each block pursuant to this division giving notice thereof, no person shall park a vehicle for longer than three hours at any time between the hours of 8:00 A.M. and 6:00 P.M. of any day except Sundays and holidays within the district or upon any of the streets described in schedule 13, maintained on file in the office of the traffic engineer.

(e) Thirty-minute parking. When signs are erected in each block pursuant to this division giving notice thereof, no person shall park a vehicle for longer than thirty minutes at any time between the hours of 8:00 A.M. and 6:00 P.M. of any day except Sundays and holidays within the district or upon any of the streets described in schedule 14, maintained on file in the office of the traffic engineer. (Ord. 2726, 1.)

Sec. 17-55. Parking signs required.

Except as provided in section 17-42, wherever by this chapter or by any other ordinance of this city any parking time limit is imposed or parking is prohibited on designated street, it shall be the duty of the city traffic engineer to erect appropriate signs giving notice thereof, and no such regulation shall be effective unless such signs are erected and in place at the time of any alleged offense. (Ord. 2726, 1; Ord. 605-76, 1.)

Division 3. Metered Parking

Sec. 17-56. Definitions

For the purposes of this division, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Parking meter. Any mechanical device or meter, not inconsistent with this division, placed or erected for the regulation of parking by authority of this division and indicating by proper legend thereon the legal parking time established for the parking meter space to which it is adjacent, the balance of the legal parking time for such space and, at the expiration of such period, that the use of such space is illegal.

Parking meter area. The area or section within the city bounded by the boundaries of the city duly established by law, and all the area, space, streets, avenues, roads, alleys, highways, lanes, paths and other public places and thoroughfares within the foregoing boundaries and inclusive of the above-mentioned streets on both sides thereof.

Parking meter space. Any space within a parking meter zone, adjacent to a parking meter and duly designated for the parking of a single vehicle by lines painted or otherwise durably marked on the curb adjacent thereto or upon the surface of the street upon which the same is located.

Parking meter zone. Any street or portion of a street and any lot or portion of a lot upon which parking meter spaces are laid out and designated and parking meters installed. (Ord. 2726, 1; Ord. G-112-67, 1; Ord. G-110-71, 1.)

Sec. 17-57. Authority of Board of Public Works and Safety.

The Board of Public Works and Safety of the city is hereby authorized and empowered:

(a) To enter into any contract for rental, purchase, acquisition, installation, regulation, use, operation, maintenance, repair, servicing and supplying of parts and replacements for parking meters, as the same may be necessary to carry out its authority hereunder, and to provide payment therefore exclusively from the funds, receipts and revenues obtained by the city from the operation and use of such parking meters without in anywise obligating the city to pay for the same from funds derived from any other sources, and to do any and all things or acts necessary and appropriate to carry out and place in effect the purposes and intent of this division, including the determination and establishment of the specifications to be required in the purchase, lease or other acquisition of parking meters.

(b) Within the parking meter zone only, and upon the advice of the traffic engineer, to locate, determine and establish parking meter zones and parking meter spaces within such zones; provided that such parking meter spaces shall be designated and marked out or caused to be marked out by such board by lines or marks painted or durably marked on the curbing or surface of the street about or alongside of each parking meter space for which a parking meter is to be installed and placed in use and within which lines each vehicle using such space shall park; provided, that in no event shall any parking meter zone or parking meter space be established in, upon or along any taxi stand, bus stop, loading zone, or the farmer's and producer's retail market on Barr Street in

Yield Intersections

Sec. 17-31. Through streets designated.

Those streets and parts of streets described in schedule 4, maintained on file in the office of the traffic engineer, are hereby declared to be through streets for the purposes of this division. (Ord. 2726, 1.)

Sec. 17-32. Stop signs - Authority to erect.

Whenever this chapter or any ordinance of this city designates and describes a stop intersection or through street, it shall be the duty of the city traffic engineer to place and maintain a stop sign at each street intersecting that portion thereof described and designated in schedules 4 and 5, maintained on file in the office of the traffic engineer as such by this chapter or any ordinance of this city. (Ord. 2726, 1.)

ARTICLE V. TRAFFIC CONTROL SIGNALS AND DEVICES

Sec. 17-33. When traffic devices required for enforcement purposes.

No provision of this chapter for which signs are required shall be enforced against an alleged violator at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place. (Ord. 2726, 1.)

Sec. 17-34. Play streets - Authority to establish.

The Board of Public Works and Safety shall, by resolution adopted in accordance with section 17-4 and upon the written request of the traffic engineering department of the city, have authority to declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same. (Ord. 2726, 1; Ord. G-23-68, 1.)

Sec. 17-35. Same - Operation of vehicles.

Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then any such driver shall exercise the greatest care in driving upon any such street or portion thereof. (Ord. 2726, 1.)

Sec. 17-36. City traffic engineer to designate crosswalks, establish safety zones and mark traffic lanes.

The city traffic engineer is hereby authorized:

(a) To designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where in his opinion there is particular danger to pedestrians crossing the roadway, and at such other places as he may deem necessary.

(b) To establish safety zones of such kind and character and at such places ashe may deem necessary for the protection of pedestrians.

(c) To mark lanes for traffic on street pavements, or at such places as he may deem advisable, consistent with this chapter or other traffic ordinances of the city. (Ord. 2726, 1.)

ARTICLE VI. STOPPING, STANDING OR PARKING.

Division 1. Generally

Sec. 17-37. Stop when traffic obstructed.

No driver of a vehicle shall enter an intersection or a marked crosswalk unless and until there is sufficient space on the other side of the intersection or crosswalk to accomodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed. (Ord. 2726, 1.)

Sec. 17-38. Standing or parking close to curb.

No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of a lawful traffic movement and with the right hand wheels of the vehicle on a two-way street and the right hand or left hand wheels of the vehicle on a two-way street and the right hand or left hand wheels of a vehicle on a one-way street within twelve inches of the curb or edge of the roadway, except as otherwise provided in this article. No person shall stand or park a vehicle in addition to the foregoing except on or in an authorized area for the purpose of parking or standing of vehicles in any city park; provided that in no event shall any part or portion of the vehicle, except bicycles be permitted to extend over the outer edge of any curb or roadway or touch any utility, light, traffic device pole, trees or lawn at any time; provided, that this section shall not be deemed to apply to utility, signal and street repair vehicles and park maintenance vehicles when the necessary performance of their primary function requires otherwise. (Code 1946, c. 31, 110; Ord. G-124-71, 1.)

Sec. 17-39. Signs or markings indicating angle parking.

(a) The city traffic engineer shall determine upon what streets angle parking shall be permitted and shall, upon the approval of the Board of Public Works and Safety, by resolution adopted in accordance with section 17-4 mark or sign such streets, but such angle parking shall not be established upon any federal aid or state highway within this city unless the state in its minutes, a copy of which is received by the city clerk and certified by him to the Board of Public Works and Safety that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(b) Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive upon the left-hand side of a two-way street. (Ord. 2726, 1.)

Sec. 17-40. Obedience to angle parking signs or markings.

Upon those streets which have been signed or marked by the city traffic engineer for angle parking under the provisions of section 17-39 no person shall park or stand a vehicle other than at the angle to

curb/parkway overlap

(f) The prohibition against parking of operable automobiles, vans or motorcycles other than in driveways, streets or alleys in residential districts in violation of sections 17-42- (a) (16) and 17-42 (c) (1) and the prohibition of all inoperable vehicles and all other operable or inoperable commercial vehicles from being parked in the driveway, alley or yard of a residential district in violation of section 17-42 (d) shall be enforced by the Board of Public Works and Safety of the city. All other violations of section 17-42 shall be enforced by the police department of the city. (Ord. 2726, 1; Ord. 2737, 1; Ord. 2755, 1; Ord. G-88-70, 1; Ord. No. G-15-84, 1, 7-24-84)

Sec. 17-43. Parking not to obstruct traffic.

No person shall park any vehicle upon a street in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway unobstructed for the free movement of vehicular traffic. (Ord. 2726, 1)

Sec. 17-44. Parking in alleys.

No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic, except while loading or unloading, and no person shall stop, stand or park a vehicle within an alley in such positions as to block the driveway entrance to any abutting property. (Ord. 2726, 1)

Sec. 17-45. All-night parking prohibited.

No person, except physicians on emergency calls, shall park a vehicle between the hours of 2:00 a.m. and 6:00 a.m. on the days and streets or sides of streets described in schedule 6 maintained on file in the office of the traffic engineer. (Ord. 2726, 1)

Sec. 17-46. Parking for certain purposes prohibited.

No person shall park a vehicle upon any roadway for the principal purpose of:

(a) Displaying such vehicle for sale or for the primary purpose of advertising any product or thing whatsoever.

(b) Greasing or repairing such vehicle, except repairs necessitated by an emergency. (Ord. 2726, 1; Ord. 2750, 1)

Sec. 17-47. Parking adjacent to schools.

(a) The Board of Public Works and Safety by resolution adopted in accordance with section 17-4 is hereby authorized to restrict parking upon that side of any street adjacent to any school property for the period of time when, in its opinion, parking would interfere with traffic or create a hazardous situation.

(b) When official signs are erected under the provisions of this section, indicating no parking upon that side of a street adjacent to any school property, no person shall park a vehicle in any such designated place. (Ord. 2726, 1)

Sec. 17-48. Stopping, standing or parking near hazardous or congested places.

(a) The Board of Public Works and Safety, by resolution adopted in accordance with Sec. 17-4, is hereby authorized to determine, and have designated by proper signs, places not exceeding one hundred and fifty (150) feet in length in which the stopping, standing or parking of vehicles would create a hazardous condition or would cause unusual delay in traffic.

(b) When official signs are erected at hazardous or congested places under the provisions of this section, no person shall stop, stand or park a vehicle in any such designated place. (Ord. 2726, 1)

(c) "Fire Lanes." When a fire lane has been designated, all vehicles parked in said fire lane may be ordered to be removed and/or towed by either the fire department or police department as described in schedule 29 on file of the Traffic Engineer.

Sec. 17-48.1. Fines for residential illegal parking.

Any person, violating any provision of Section 17-42 (a) (16), 17-42 (c) (1), 17-42 (c) (2), 17-42 (d), 17-42 (e), 17-42 (f) & 17-70, this article outlined herein under the jurisdiction of the Board of Public Works and Safety shall be immediately fined, without prior notice, as follows:

Inoperable and/or abandoned vehicles - $50.00
Illegal vehicles in residential area - $25.00
Operable vehicles in yard - $25.00

Each and every day such violation is committed or is permitted to continue shall constitute a separate offense and shall be punishable as such. All fines shall be payable to the Violations Bureau located in the Office of the City Clerk of Fort Wayne, Indiana.

Division 2. Restricted or Prohibited on Certain Streets

Sec. 17-49. Applicability of division.

The provisions of this division prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified and as indicated on official signs, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device. (Ord. 2726, 1.)

Sec. 17-50. Regulations not exclusive.

The provisions of this division imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times or under specified conditions. (Ord. 2726, 1.)

Sec. 17-51. Parking prohibited at all times on certain streets.

When signs are erected pursuant to this division giving notice thereof, no person shall park a vehicle at any time upon any of the streets described in schedule 7, maintained on file in the office of the traffic engineer. (Ord. 2726, 1.)

Sec. 17-52. Parking prohibited during certain hours on certain streets.

When signs are erected in each block pursuant to this division giving notice thereof, no person shall park a vehicle between the hours specified in schedule 8, maintained in file in the office of the traffic engineer, of any day except Sundays and holidays within the district or upon any of the streets described

(c) To determine and establish the size and measurements of parking meter spaces.

(d) To install and place parking meters upon the curb, sidewalk or space adjacent to and alongside of or each parking meter space established and marked out or caused to be marked out by such board; provided, that each parking meter shall be installed and placed so as to show or display a signal that the parking meter space alongside of or adjacent to it is or is not in use and showing lawful parking and use of such parking meter space upon the deposit of the appropriate coins, lawful money of the United States of America, therein for the period of time prescribed as the parking limit established therefore and so as to indicate, upon the expiration of the lawful parking period or time limit, a proper visible signal that lawful parking has expired.

(e) To determine, subject to approval by the common council of the city, by resolution duly adopted, the license fee to be charged and collected through and by use of the parking meter for each particular parking meter zone and parking meter space designaed and marked out by such board and for which a parking meter is installed; provided, that the maximum time limit for which such parking meter space may be used by payment of such license fee through the deposition of coin or coins in such parking meter shall be prescribed by section 17-55 and the schedules referred to therein or made a part thereof and by any amendments, changes or additions thereto hereafter duly enacted.

(f) To employ individual persons to carry out the enforcement of the parking limitations in the parking meter zones and to perform the duty of removing from parking meters the coins deposited in such meters and to deliver such coins to the city controller, who shall count them and deposit the same with the city treasurer in the special fund designated in section 17-61. Any individual person so employed by the Board of Public Works and Safety shall be paid by it at rates determined by the board of public works and approved by the common council of the city, out of such special fund. The Board of Public Works and Safety of the city shall deputize such individual person as special police, whereupon such individual person shall have the power and authority to prepare, sign and deliver or post notices of violation of any parking limitations in any parking meter zone or parking meter space in accordance with the provisions of this chapter. Every such person shall furnish a bond in the penal sum of five thousand dollars conditioned upon his faithful performance of this duties hereunder, which bond shall run in favor of the city. (Ord. 2726, 1.)

Sec. 17-58. Duty of driver to deposit coin.

Except in any period of emergency determined by a police officer of the fire or police departments of this city, or in compliance with the direction of a police officer or a traffic control sign or signal of this city or of the state, when any vehicle shall be parked in any parking meter space, the driver of such vehicle shall, upon entering such parking meter space, immediately deposit or cause to be deposited in the parking meter adjacent thereto such proper coin of the United States of America as is required for such parking meter as designated by direction thereon, and by regulation of the Board of Public Works and Safety approved by resolution of the common council of this city and shall also set in operation the timing mechanism on such meter in accordance with the directions thereon. Upon the deposition of such coin and the setting of the timing mechanism in operation, such parking meter space may be lawfully occupied by such vehicle during the period of time prescribed threfore; provided, that any person placing a vehicle in a parking meter space adjacent to a meter which indicates that unused time has been left in such meter by the previous occupant of such space shall not be required to deposit a coin so long as his occupancy of such space does not exceed the unused time indicated on such meter. (Ord. 2726, 1.)

Sec. 17-59. Enforcement.

It shall be the duty of the police department, and parking control officers as appointed by the Board of Public Works and Safety of this city to enforce the provisions of this division. (Ord. 2726, 1.)

Sec. 17-60. Parking meter fund.

All license fees collected from parking meters as provided in this article shall be deposited by the city controller with the city treasurer to the credit of the city in a special fund to be known as the "parking meter fund," which such special fund shall be disbursed and paid out only under the orders and direction of the Board of Public Works and Safety for the following purposes only:

(a) The payment of the purchase price, rental fees and cost of installation of parking meters.

(b) The payment of the cost of maintenance, operation, repair and other incidental costs and expenses in the operation of parking meters and parking meter zones and spaces, including incidental costs and expenses such as clerical and bookkeeping expenses in the handling and keeping of records of fees collected and expended.

(c) The payment of the cost of traffic signal devices used in the city, and the repair and maintenance of any of the public streets and highways in such city where parking meters are in use and upon all streets connected therewith.

(d) The acquisition by lease or purchase of suitable land for off-street parking purposes, the improvement and maintenance of such land and the purchase, installation and maintenance of parking meters thereon. (Ord. 2726, 1.)

Sec. 17-61. Violations.

It shall be unlawful and a violation of the provisions of this division for any person:

(a) To cause, allow, permit or suffer any vehicle registered in the name of or operated by such person to be parked overtime or beyond the period or legal parking time established for the street or portion of a street upon which any parking meter zone or space is designated and marked out or caused to be marked

17-100. - Deposit of snow and ice.
17-101. - Removal and

tinued from Page 8A

To permit any vehicle to remain or be placed in arking meter space while the parking meter int thereto is displaying a signal indicating that hicle occupying such parking meter space has y parked beyond the period prescribed for such

To park any vehicle across any line or marking of ding meter space or in such position that the e is not entirely within the area designated by the or markings designating such parking meter

To fail to deposit the proper coin required by the g space in which any vehicle operated by such n is parked.

To deface, injure, damage, tamper with, open or y break, destroy or impair the usefulness of any g meter installed under the provisions of this

To deposit or cause to be deposited in any g meter any slugs, device or metal substance or substitute for lawful coins. (Ord. 2726, 1.)

17-62. Fines (as amended)

All violations outlined in divisions 1, 2 & 3 are lered separate and additional violations, each very hour such violation occurs, unless rise specified in this chapter.

All fines delinquent in payment for 14 calendar or longer from the date of the violation will be e the original fine, unless otherwise specified in apter.

A fine schedule shall be maintained in the office City Clerk.

. 17-63. Records and reports of Board of Public s and Safety.

Board of Public Works and Safety of this city nake due record in the journal of its proceedings parking meter zones, parking meter spaces, nmended license fees and other regulations ted and actions taken by it pursuant to this on. Such board shall promptly forward to the non council of this city a certified copy of all such ns, minutes and regulations. Such board shall, ally during January of each year, prepare le with the common council of this city a complete n report of all its doings and actions under and ant to the provisions of this division for and during mmediately prior calendar year. (Ord. 2726, 1.)

ision 4. Stopping for Loading and Unloading

c. 17-64. Board of Public Works and Safety to nate curb loading zones.

e Board of Public Works and Safety by resolution ted in accordance with Section 17-4, is hereby orized to determine the location of passenger and ht curb loading zones, and it shall have placed and tained appropriate signs indicating the same and ng the hours during which the provisions of section are applicable. (Ord. 2726, 1.)

c. 17-65. Stopping, standing or parking in enger curb loading zone.

o person shall stop, stand or park a vehicle for any ose or period of time other than for the expeditious ding or unloading of passengers in any place ked as a passenger curb loading zone pursuant to ion 17-66 during the hours when the regulations licable to such curb loading zone are effective, and only for a period not to exceed three (3) minutes. d. 2726, 1.)

ec. 17-66. Stopping, standing or parking in freight loading zone.

lo person shall stop, stand or park a vehicle for any pose or length of time other than for the expeditious ading and delivery or pick-up and loading of terials in any place marked as a freight curb loading e pursuant to section 17-64 during hours when the visions applicable to such zones are in effect. In no e shall the stop for loading and unloading of terials exceed thirty (30) minutes. (Ord. 2726, 1; d. 2737, 1.)

Sec. 17-67. Board of Public Works and Safety to signate public carrier stands.

The Board of Public Works and Safety, by resolution opted in accordance with section 17-4, is hereby thorized and required to establish bus stops and dicab stands for other passenger common carrier otor vehicles or passenger vehicles for hire on such blic streets, in such places and such manner as it all determine to be of the greatest benefit and nvenience to the public, and every such bus stop, xicab stand or other stand shall be designated by propriate signs; provided, that no taxicab stand all be designated for the particular use of any one mpany. (Ord. 2726, 1.)

Sec. 17-68. Parking of taxicabs regulated.

No driver of a taxicab shall park such vehicle upon y street in any business district at any place other an at a duly designated taxicab stand; except, at this provision shall not prevent the driver of any ich vehicle from temporarily stopping in accordance ith other stopping or parking regulations at any place r the purpose of and while actually engaging in ading or unloading passengers. (Ord. 2726, 1.)

Sec. 17-69. Restricted use of bus and taxicab tands.

No person shall stop, stand or park a vehicle other han a common carrier of passengers vehicle in a bus top, or other than a taxicab in a taxicab stand, hen any such stop or stand has been officially esignated pursuant to section 17-69 and appropria- ly signed; except, that the driver of a passenger ehicle may temporarily stop therein for the purpose of nd while actually engaged in loading or unloading assengers when such stopping does not interfere with ny bus or taxicab in, departing from, waiting to enter r about to enter such zone. (Ord. 2726, 1.)

Divison 5. Parking for Perons With Impaired Safety.

The Board of Public Works and Safety shall and is hereby denominated as the "public agency" which shall be responsible for the removal, storage and disposal of abandoned vehicles, as designated in the "Abandoned Vehicle Act," and in order to facilitate the removal of such abandoned vehicles or parts, the Board of Public Works and Safety/may employ such personnel and acquire such equipment, property and facilities as are necessary for the purpose of removal, storage and disposition of such abandoned vehicles, not in conflict with the "Abandoned Vehicle Act", or the Board of Public Works and Safety may contact with private towing firms or individuals in such business on an annual basis to provide the equipment, storage area and facilities for the removal and disposal. (Ord. G-16-74, 2.)

Sec. 17-72. Disposal; junk vehicle fund.

The Board of Public Works and Safety shall establish a periodic times and places for the sale or disposal of all such vehicles impounded under this article. Any monies received shall be placed in the "junk vehicle fund". (Ord. G-16-74, 3.)

Sec. 17-73. Adoption of state law.

All of the powers, purposes, provisions and definitions contained in such "Abandoned Vehicle Act" are now incorporated by reference in this article and made a part thereof. (Ord. G-16-74, 4.)

Sec. 17-74. Removal by owner; execution of waiver.

The owner of such abandoned or junk vehicle may in lieu of the above provisions voluntarily provide for the removal and disposal of such vehicle by executing an abandoned vehicle removal waiver with the Board of Public Works and Safety. (Ord. G-16-74, 5.)

Sec. 17-75. Violations; penalties.

Any person violating any provision of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in the amount of $50.00.

Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. (Ord. G-16-74, 6; Ord. No. G-37-77, 1, 9-27-77)

ARTICLE VIII. NOISE

Sec. 17-76. General.

It shall be unlawful for any person to make any noise, disorder or tumult to the disturbance of the peace and quietude of the city or to the annoyance of any of its inhabitants, or to permit such noise, disorder or tumult to be made in or about his house or premises and the same in hereby declared to be a public nuisance.

The following acts are declared to be a public nuisance, but the enumeration of the particular offenses hereinafter particularly defined shall not be construed as limiting the generality of this section, or limiting the offenses hereunder to the particular offenses hereinafter enumerated:

(a) The sounding of any horn or signal device on any automobile, motorcycle, bus, streetcar, or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

(b) The use of any automobile, motorcycle or vehicle with appurtenances attached thereto so as to create a loud or unnecessary grating, grinding, rattling or other noise.

(c) Sounding any siren or other noise-making or noise-producing device within the quiet zone as designated by appropriate signs or any hospital or sanitarium in the city.

The provisions of this section shall not apply to celebrations on Halloween and legal holidays and celebrations in connection with duly authorized parades. (Code 1946, ch. 19, 24)

Sec. 17-76.1. Same - Vehicular.

(a) Scope. This section shall apply to the control of all noise caused by light motor vehicles and originating within the limits of the City of Fort Wayne, Indiana.

(b) Definitions. For the purposes of this section the following definitions apply:

(1) A-weighted sound level: The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated db (A) or dBA.

(2) Decibel (db) : A unit for measuring the volume of a sound, equal to twenty (20) times the logarithm/to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropausals (20 micronewtons per square meter) .

(3) Light motor vehicles: Any automobile, van, motorcycle, motor-driven cycle, motorscooter, dune buggy, snowmobile, all-terrain vehicle, go-car, mini-bike, trail bike, and truck with gross vehicular weight of less than eight thousand (8,000) pounds.

(4) Modified and defective exhaust systems: An exhaust system in which the original noise abatement devices have been physically altered causing them to be less effective in reducing noise, or the original noise abatement devices which are not as effective in reducing noise to their original devices, or devices have been added to the original noise abatement devices, such that noise levels are increased.

(5) Noise level: The A-weighted sound level produced by a motor vehicle.

(6) Person: Any individual, association, partnership or corporation which includes any officer employee, department, agency or instrumentality.

(7) Sound level meter: An instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighting networks used to measure sound pressure levels. Such instruments shall be used for measure-

(a) Outside Origin; Outside Destination. All trucks entering the City from a point of origin outside the County for destination points outside the County shall operate only over the designated routes.

Sec. 17-85. Designated streets for truck use.

In addition to those streets in the City constituted a part of a truck route as established herein, the following streets as described in Section 17-83 (1) Exceptions (a), (b), (c), (d) and (e) shall be used for truck traffic.

Sec. 17-86. Truck traffic in the City.

(1) Trucks originating outside of the County.

(a) One inside destination point. All trucks entering the City for a destination point in the City shall proceed only over an established truck route and shall deviate only at the intersection with the street, upon which such traffic is permitted, according to Section 17-85, nearest to the destination point. Upon leaving the destination point, a deviating truck shall return to the truck route by the most direct route.

(b) Multiple inside destination points. All trucks entering the City for multiple destination points shall proceed only over established truck routes and shall deviate only at the intersection with the street, upon which such traffic is permitted, according to Section 17-85, nearest to the first destination point. Upon leaving the first destination point a deviating truck shall proceed to other destination points by the nearest designated route under Sec. 17-85. Upon leaving the last destination point, a deviating truck shall return to the truck route by the most direct route.

(2) Trucks originating inside the County.

(a) Outside destination point. All trucks, on a trip originating in the County, and travelling in the City for a destination point outside the City shall proceed by the shortest direction over streets on which such traffic is permitted, according to Section 17-85, or on designated truck routes.

(b) Inside destination points. All trucks, on a trip originating in the County, and travelling in the City for destination points in the City shall proceed only over streets upon which such traffic is permitted according to Secion 17-85 or designated truck routes.

(3) Overweight and Oversized Vehicles.

No other streets other than those designated shall be used by trucks without the driver and/or owner having first obtained from the Right-of-Way Department a special emergency permit therefore, which special permit may be obtained without charge.

STATE ROUTES - Thru Truck Routes

I-69 from west city limits to north city limits

U.S. 27 - Southbound

Lima Road from I-69 to Coliseum Boulevard

Northrop Street from Coliseum Boulevard to Clinton Street

Clinton Street from Northrup Street to Lafayette Street

Lafayette Street from Clinton Street to south city limits

U.S. 27 - Northbound

Lafayette Street from suth city limits to Spy Run Avenue

Spy Run Avenue from Lafayette Street to Clinton Street

Clinton Street from Spy Run Avenue to Northrop Street

Northrup Street from Clinton Street to Coliseum Boulevard

Lima Road from Coliseum Boulevard to I-69

U.S. 33 - Southbound

Goshen Road from I-69 to Coliseum Boulevard

Coliseum Boulevard from Goshen Road to Northrup Street

Northrup Street from Coliseum Boulevard to Clinton Street

Clinton Street from Northrup Street to Lafayette Street

Lafayette Street from Clinton Street to south city limits

U.S. 33 - Northbound

Lafayette Street from south city limits to Spy Run Avenue

Spy Run Avenue from Lafayette Street to Clinton Street

Clinton Street from Spy Run Avenue to Northrup Street

Northrup Street from Clinton Street to Coliseum Boulevard

Coliseum Boulevard from Northrup Street to Goshen Road

Goshen Road from Coliseum Boulevard to I-69

U.S. 24 - U.S. 30 - S.R. 14 - Eastbound

Goshen Road from I-69 to Coliseum Boulevard

Coliseum Boulevard from Goshen Road to Washington Boulevard

Washington Boulevard from Coliseum Boulevard to east city limits

U.S. 24 - U.S. 30 - S.R. 14 - Westbound

Washington Boulevard from east city limits to Coliseum Boulevard

Coliseum Boulevard from Washington Boulevard to Goshen Road

Goshen Road from Coliseum to I-69

S.R. 1 - Southbound

I-69 from north city limits to Lima Road

Lima Road from I-69 to Coliseum Boulevard

Northrup Street from Coliseum Boulevard to Clinton Street

Clinton Street from Northrup Street to Lafayette Street

Lafayette Street from Clinton Street to Paulding Road

Paulding Road from Lafayette Street to Baer Field Thruway

Baer Field Thruway from Paulding Road to Bluffton Road

Bluffton Road from Baer Field Thruway to south city limits

S.R. 1 - Northbound

Bluffton Road from south city limits to Baer Field

ized.

(a) The Board of Public Works and Safety is hereby empowered to designate space in city-owned parking lots and on city streets, including parking lots titled in the name of any city department, board, agency or commission, which shall be set aside for the exclusive use of impaired mobility persons. Such handicapped parking spaces shall be clearly and distinctly marked so as to indicate that such spaces are reserved for the use of impaired mobility persons. The number of designated parking spaces shall be in accordance with applicable state statutes.

(b) Private property owners and those residents who wish to participate under this division shall notify the city traffic engineering department in writing on city application form, of the number and specific location of each parking space to be designated for impaired mobility parking by September 1, 1983. Subsequent requests shall be submitted to city traffic engineering, and after approval by the Board of Public Works and Safety, such spaces shall be designated with the appropriate signs, as determined by city traffic engineering in accordance with the Indiana Manual on Uniform Traffic Control Devices. Only those signs that satisfy the requirement of the Indiana manual shall be enforced.

The private property owner shall be responsible for the cost of such sign at a price equivalent to the cost incurred by city's traffic engineering. In addition, the private property owner shall maintain such signs.

To facilitate participation by private property owners hereunder, the Board of Public Works and Safety shall cause an agreement to be prepared that will be executed by the city and participating private property owners, said agreement to be in conformance with IC 9-4-14-1 et seq. Private property owners shall allocate the appropriate number of designated restricted parking spaces in accordance with applicable state statutes and Indiana construction rules.

(c) Where designated parking spaces are requested and needed on city streets, it shall be the responsibility of the petitioner to provide a petition signed by at least fifty-one (51) per cent of the residents on both sides of the affected block of said street. Requests for the permanent placement of an approved sign shall be submitted in writing on city application form to the city traffic engineering department by September 1, 1983. Subsequent requests shall be submitted to the city traffic engineering department. After review of such request and approval by the Board of Public Works and Safety, such spaces shall be designated with appropriate signs. Purchase, installation and maintenance of the signs and posts shall be paid by the petitioner through city traffic engineering department. Only one permit will be granted to a resident or petitioner. (Ord. No. G-18-83, 3, 6-28-83)

Sec. 17-69.3. Application and permit.

(a) Any person for or on behalf of any impaired mobility person who does not have disabled veteran registration plate (s) or special registration plate (s) may file an application for a Fort Wayne impaired mobility parking permit with the city clerk. The application shall state the following:

(1) Name, address and telephone number of the impaired mobility person;

(2) A statement as to the fact that the applicant is an impaired mobility person within the meaning of section 17-71.1 and if section 17-71.1 (3) applies, then applicant shall submit a signed statement from a physician certifying that such applicant is permanently disabled in a manner rendering it difficult and burdensome for such person to walk for an extended period of time.

(b) The permit, as issued, shall be portable and same shall be clearly displayed and visible in the windshield of the vehicle in question.

(c) The permit cost shall be one dollar ($1.00) payable to the city clerk which sum is charged to simply cover the cost of the city in issuing such permits. Such permits shall be valid as long as the applicant remains an impaired mobility person within the meaning of this division and at any time that such applicant is no longer an impaired mobility person an individual shall cease using such permit. (Ord. No. G-18-83, 4, 6-28-83.)

Sec. 17.69.4. Restricted parking.

No person shall stop, stand or park a vehicle in a space designated for impaired mobility parking unless the vehicle bears a license plate or decal issued by the State of Indiana containing the international wheelchair symbol or such other symbol as the commission of the bureau of motor vehicles of the State of Indiana or any other state shall designate to distinguish a vehicle used by or to transport an impaired mobility person; or unless the vehicle has clearly displayed in the windshield thereof a permit issued hereunder by the Board of Public Works and Safety. (Ord. No. G-18-83, 5, 6-28-83)

Sec. 17-69.5. Fines and penalties.

(a) Failure to do any act required by this division or acting in a manner prohibited by this division shall constitute a violation.

(b) A person who falsely represents himself / herself as having the qualification to obtain a Fort Wayne impaired mobility permit will be fined up to a maximum of one hundred dollars ($100.00) and have such person's permit revoked.

(c) Any motor vehicle parking in areas designed for the exclusive use of impaired mobility persons which does not bear a disabled veteran registration plate, a space registration plate, or display a Fort Wayne impaired mobility parking permit, shall be ticketed at the owner's expense. The fine shall be $20.00 for each violation. (Ord. No. G-18-83, 6, 6-28-83)

ARTICLE VII. ABANDONED VEHICLES

Sec. 17-70. Generally.

It shall be unlawful for any person to abandon any vehicle on any public or private premises within the city or to leave any vehicle at any place within the city for such time and under circumstances which

any area within the corporation limits of the City of Fort Wayne, Indiana, at any time. Such noise level limit shall be measured at a distance of not less than fifteen (15) feet from the noise source.

(d) Excessive noise prohibited. It shall be unlawful for any person to operate, cause to operate or use a light motor vehicle such as to cause excessive noise levels as a result of a defective or modified exhaust system, or as a result of unnecessary rapid acceleration, deceleration, revving or tire squeal, or as the result of the operation of audio devices such as but not limited to radios, phonographs, and tape players on or from such vehicle.

(e) Exemptions. The following are exempted from the provisions of this section:

(1) Sound emitted from sirens of authorized emergency vehicles.

(2) Lawnmowers, garden tractors, and similar home power tools when properly muffled, for up to two (2) hours per day between the hours of 8:00 A.M. and 8:00 P.M.

(3) Burglar alarms on light motor vehicles of the electronic signaling type which transmit a nonaudible signal to a receiver which can be carried by the owner or operator of the vehicle, and

(4) Celebrations on Halloween and legal holidays and celebrations in connection with duly authorized parades.

(f) Prosecution.

(1) In any criminal prosecution for a violation of this section, the court may admit evidence of noise level as tested by a sound level meter which meets or exceeds the American National Standard Institute (ANSI) specifications for Type II equipment. A person shall be found guilty of violation of this section for the emission of the excessive noise from or on any motor vehicle source in excess of the limitations established herein.

(2) It shall be unlawful for any person to violate the provisions of this section. Whenever any police officer makes an arrest for violation of this section, he shall take down the name, address, operator's license number and registration number of the vehicle if readily available and shall issue to the alleged violator in writing on the form provided by the city clerk, a citation for a violation of this section. Upon conviction of violation of this section, the violator shall be punished a fine not less than fifty dollars ($50.00) nor more than two hundred fifty dollars ($250.00).

(g) Payment of fines. All fines and penalties shall be payable to the violations bureau located in the office of the city clerk of Fort Wayne, Indiana.

(h) Remedy noise source. Within seven (7) days, the person shall repair or remedy the source of the excessive noise from the vehicle and have the vehicle checked by a noise pollution police officer. If the vehicle is being sold, the noise source must first be corrected. (Ord. No. G-13-80, 1, 2-22-80; Ord. No. G-06-81, 1, 4-28-81).

Sec. 17-82. Definitions.

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(a) "City" is the City of Fort Wayne.

(b) "County" is Allen County, Indiana.

(c) "Deviating Truck" is a truck which leaves and departs from a truck route while travelling inside the City.

(d) "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.

(e) "Truck" is any vehicle designed or operated for the transporation of property, and which is licensed to carry a combined body and load weight exceeding 30,000 pounds.

(f) "Truck Route" is a way over certain streets, as designated herein, over and along which trucks coming into and going out of the City must operate.

(g) "Residential Area" is a combination of contiguous city blocks having the majority of land use patterns whose primary use can be seen to be residential in nature as described in the Zoning Map maintained on file in the office of the Traffic Engineer.

Sec. 17-83. Application of Regulation.

a) the deviation of a truck from a designated truck route, providing the truck:

1.) has a destination point in Allen County, and

2.) remains on the designated truck route it reaches the intersection nearest its destination point.

b) the deviation of a truck from a designated truck route, providing the truck:

1.) has an origination point not on a designated truck route, and

2.) proceeds from its place of origination along the most direct path to a designated truck route.

(c) Emergency Vehicles. The operation of emergency vehicles upon any streets in the City.

(d) Public Utilities. The operation of trucks owned or operated by the City, public utilities, any contractor or material man, while engaged in the repair, maintenance or construction of streets, street improvements, or street utilities within the City.

(e) Detoured trucks. The operation of trucks upon any officially established detour in any case where such truck could lawfully be operated upon the street for which such detour is established, whether by reason or an emergency, said detour is temporary, permanent, or established.

(f) Farm vehicles. The operation of farm vehicles when loaded with farm crops having a point of origin within the County or a point of destination within the County upon truck routes and those streets designated in Sec. 17-85. For purposes of this ordinance, any truck hauling farm crops is a farm vehicle loaded with farm crops.

(2) Truck traffic in residential areas prohibited during certain hours. Trucks shall not be operated in or through a residential area between the hours of 10

Lima Road from Coliseum Boulevard to I-69
I-69 from Lima Road to north city limits
S.R. 3 - Southbound
Lima Road from north city limits to I-69
S.R. 3 - Northbound
Lima Road from I-69 to north city limits
S.R. 37 - Northbound
Crescent Avenue from Coliseum Boulevard to Stellhorn Road
Stellhorn Road from Crescent Avenue to east city limits
S.R. 37 - Southbound
Stellhorn Road from east city limits to Crescent Avenue
Crescent Avenue from Stellhorn Road to Coliseum Boulevard
North - South Streets
South Anthony Boulevard from Washington Blvd. to Pontiac Street
South Anthony Boulevard from U.S. 27 to Paulding Road
Ardmore Avenue from Lower Huntington Road to Taylor Street
Baer Road from Baer Field Thruway to Lower Huntington Road
Bluffton Road from south city limits to Brooklyn Avenue
Broadway from Creighton Avenue to Main Street
Brooklyn Avenue from Bluffton Road to Taylor Street
Catalpa Street from Taylor Street to Jefferson Boulevard
Clinton Street from Northrup Street to Coliseum Boulevard
Coldwater Road from Clinton Street to I-69
Coliseum Boulevard from Pontiac Street to Washinton Boulevard
Crescent Avenue from East State Boulevard to Coliseum Boulevard
Ewing Street from Baker Street to Superior Street
Fairfield Avenue from Pontiac Street to Superior Street
Freeman Street from Taylor Street to Jefferson Boulevard
Goshen Road from Sherman Street to Coliseum Boulevard
Hobson Road from East State Boulevard to Stellhorn Road
Industrial Road from Coliseum Blvd. to Washington Center Road
Leesburg Road from Main Street to Spring Street
Lindenwood Avenue from Jefferson Boulevard to Spring Street
Sherman Street from St. Mary's River to Goshen Road
Tyler Avenue from Spring Street to West State Boulevard
VanBuren Street from Main Street to St. Mary's River
Wells Street from Superior Street to Fernhill Avenue

CITY STREETS - CITY TRUCK ROUTES

East - West Streets
Baer Field Thruway from Bluffton Road to Baer Road
Baker Street from Fairfield Avenue to Ewing Street
Covington Road from Jefferson Boulevard to Ardmore Avenue
Creighton Avenue from Broadway to Lafayette Street
Dalman Road from Baer Road to west city limits
Engle Road from Bluffton Road to west city limits
Fernhill Avenue from Wells Street to Northrup Street
Illinois Road from west city limits to Jefferson Boulevard
Jefferson Boulevard from west city limits to Maumee Avenue
Lower Huntington Road from Tillman Road to west city limits
Main Street from Jefferson Boulevard to Lafayette Street
Maumee Avenue from Jefferson Boulevard to Washington Blvd.
New Haven Avenue from Wayne Trace to Coliseum Boulevard
Oxford Street from Lafayette Street to east city limits
Paulding Road from Lafayette Street to east city limits
Pontiac Street from Fairfield Aveue to Coliseum Boulevard
Spring Street from west city limits to Wells Street
East State Boulevard from east city limits to Clinton Street
West State Boulevard from west city limits to Wells Street
St. Joe Center Rd. from Washington Center Rd. to east city limits
Superior Street from Sherman Street to Lafayette Street
Taylor Street from Jefferson Boulevard to Broadway
Tillman Road from Lower Huntington Road to east city limits
Washington Boulevard from east city limits to Jefferson Boulevard
Washington Center Road from west city limits to St. Joe Center Rd.
Wayne Trace from Anthony Boulevard to Hessen Cassel Road

Sec. 17-87. Enforcement.

(a) Traffic Engineer. The Traffic Engineer shall keep and maintain accurate maps setting out truck routes and streets upon which truck traffic is permitted: the maps shall be kept on file in the office of the traffic engineer and shall be available to the public.

(b) Weigh-In. The Chief of Police shall have the authority to require any person driving or in control of any commercial vehicle not proceeding over a truck route or street over which truck traffic is permitted to proceed to any public or private scale

ained on file in the office of the Traffic
er.
. 17-98. Snow Emergency - Determination and
imation by mayor' duration.
now emergency shall commence by executive
determination and proclamation by the mayor
city, before, during or after a snow fall
in his sound judgment and discretion, the
nstances warrant the determination of such an
gency for the public safety of the city. Such snow
gency shall continue in effect until the mayor of
y determines that an emergency no longer exists
ccordingly terminates such emergency. (Ord.
64, 4.)
. 17-99. Snow Emergency - Stopping or parking
es on snow emergency routes prohibited.
hall be unlawful for the owner, driver or operator of
ehicle to park or stop the same or to permit the
to be parked or to stand at any time
g the period of any snow emergency on any of the
s or streets listed in schedule 18, maintained on
the office of the traffic engineer. (Ord. G-14-64,

c. 17-100. Deposit of snow and ice.
hall be unlawful for any person to deposit, put, or
, or to suffer, allow, or cause to be deposited, put,
aced any snow or ice from any private property
any public sidewalk, street, alley, or within five
of any fire hydrant. (Ord. 2636, 1.)
c. 17-101. Removal and impoundment of
cles.
ny police officer upon discovering any such
cles so parked or stopped in violation of this article,
remove such vehicle or cause the same to be
oved to any city-owned property or to a private
ge or place where so authorized pursuant to
ract where such vehicle shall be impounded and
ned and shall be released only as provided in
ion 17-3. (Ord. G-14-64, 6,7.)

ARTICLE XII. BICYCLES

17-102. License -- Required.
o person six (6) years of age or over, who resides
in this city, shall ride or propel a bicycle on any
et or upon any public path set aside for
exclusive use of bicycles unless such bicycle has
n licensed and a license plate or decal is attached
eto as provided in this article. (Ord. 2726, 1.)
ec. 17-103. Same - Application.
pplication for a bicycle license and license plate or
al shall be made upon a form provided by the city,
ll be accompanied by reasonable proof of
nership and shall be made to the city controller. An
ual license fee of twenty-five cents ($0.25) shall be
d to the city before each license or renewal thereof
ranted. (Ord. 2726, 1.)
. 17-104. Same - Issuance; records
a) The city controller, upon receiving proper
lication therefore, is authorized to issue a bicycle
nse which shall be effective until the next
ceeding first day of May.
b) The city controller shall not issue a license for
bicycle when he knows or has reasonable ground
believe that the applicant is not the owner
r entitled to the possession of such bicycle.
(c) The city controller shall keep a record of the
mber of each license, the date issued, the name and
dress of the person to whom issued, and the number
the frame of the bicycle for which issued, and a
ord of all bicycle license fees collected by him, and
all provide a copy thereof to the chief of police. (Ord.
26, 1; Ord. G-31-1.)
Sec. 17-105. Same - Attachment of plate or
cal.
(a) The city controller, upon issuing a bicycle
ense, shall also issue a license plate or decal bearing
license number assgned to the bicycle, the
me of the city and the expiration date thereof.
(b) The city controller shall cause such license plate
decal to be attached to the bicycle and shall be used
such position as to be plainly visible from the rear.
(c) No person shall remove a license plate or decal
om a bicycle during the period for which issued,
cept upon a transfer of ownership or in the event
e bicycle is dismantled and no longer operated upon
y street in this city. (Ord. 2726, 1; Ord. G-940
Sec. 17-106. Same - Renewal.
Upon the expiration of any bicycle license, the same
ay be renewed upon application for and payment of
e fees for the same as upon an original
pplication. (Ord. 2726, 1.)
Sec. 17-107. Same - Disposition upon transfer of
wnership.
Upon the sale or other transfer of a licensed bicycle,
he licensee shall remove the license plate or decal and
hall either surrender the same to the city controller, or
ay, upon proper application but without payment of
dditional fee, have such plate or decal assigned to
nother bicycle owned by the applicant. (Ord. 2726,
.)
Sec. 17-107.1. Altered manufacturer's serial
umbers:
It shall be unlawful to destroy, remove, alter, cover or
eface the manufacturer's serial number of any
icycle. It shall be unlawful for any person to own or
ave custody of a bicycle, the original manufacturer's
erial number of which has been destroyed, removed,
altered, covered or defaced. (Res. No. R-92-80, 1,
10-28-80)
Sec. 17-108. Inspection
The chief of police, or officers of the police or fire
departments assigned such responsibility by him, shall
inspect each bicycle before the same is licensed, and
the city controller shall refuse a license for any bicycle
which the chief of police determines is in unsafe
mechanical condition or not equipped in accordance
with this article. (Ord. 2726, 1.)
Sec. 17-109. Education campaign for bicycle
riders.
The chief of police, or an officer assigned such
responsibility, shall develop and supervise activities
designed to promote better bicycle riding habits,
knowledge and observance of traffic regulations by
bicycle riders, and other activities which increase the

being operated in violation of this Article
motorist shall not be considered as violating this
section. (Ord. No. G-07-82, 4, 5-25-82)
Sec. 17-120. Vending restrictions.
(a) The driver of an ice cream truck shall come to a
full and complete stop within six (6) inches of the curb
or side of the road. The vendor shall then
actuate the alternately flashing red and amber lights
and extend the stop signal arm required by this Article
XII, prior to vending.
(b) The required signal arm and flashing lights shall
not be used when the ice cream truck is in motion nor at
any time when the ice cream truck is stopped
for a purpose other than vending.
(c) The driver or vendor therein of an ice cream
truck shall not back the truck to make or attempt to
make a sale.
(d) The driver or vendor therein of an ice cream
truck shall vend only from the side of said ice cream
truck away from moving traffic.
(e) It shall be unlawful to offer to vend on any public
street where parking is prohibited on one side or on
both sides of said public street, or on any
public street where the legal speed limit exceeds thirty
(30) miles per hour.
(f) It shall be unlawful to offer to vend or to vend from
any ice cream truck on any public street before the
hour of 9:00 A.M., between the hours of 5:00
P.M. and 6:00 P.M. and after dusk.
(g) It shall be unlawful to offer to vend or to vend
from any ice cream truck within a distance of one
thousand (1,000) feet of any real estate which is then
used as part of the school grounds of any duly
accredited public or private, grade or junior high
school between the hours of 7:00 A.M. and 4:00 P.M.
on days when said schools are in session. (Ord. No.
G-07-82, 5, 5-25-82)
Sec. 17-121. Violations by ice cream vendor or
driver any ice cream truck.
Any ice cream vendor or driver of an ice cream truck
who operates an ice cream truck in violation of this
Article XII, shall be fined not to exceed fifty
dollars ($50.00) and court costs for such violation.
(Ord. No. G-07-82, 6, 5-25-82)
Sec. 17-122. Permissive vending at special
events.
It shall be lawful for an ice cream truck duly
inspected and licensed under Section 17-117 of this
Article XII, to vend its wares at special events, such
as fireworks, Three Rivers Festivals, company benefits
and parties in places other than on public streets
without complying with the provisions of section
17-119 (a), (b), (c), (d), (e) and (f). (Ord. No.
G-07-82, 7, 5-25-82)
Sec. 17-123. Payment of fines.
All fines and penalties shall be paid to the Fort
Wayne Violations Bureau located in the office of the
City Clerk. (Ord. G-07-82, 8, 5-25-82)

ARTICLE VIX. TRAFFIC DIVISION
OF POLICE DEPARTMENT

Sec. 17-124. Established; duties.
(a) There is hereby established in the police
department of this city a traffic division to be under the
control of a captain of police appointed by
and directly responsible to the chief of police.
(b) It shall be the general duty of the traffic division
and of all members of the police department to enforce
the street traffic laws and regulations of this city and all
of the state vehicle laws applicable to traffic in this city;
to make arrests for traffic violations; to investigate
accidents; to cooperate with the city traffic engineer
and other officers of the city in developing
ways and means to improve traffic conditions; and to
carry out those duties specially imposed upon such
division by this chapter and other specific ordinances
of this city.
(c) It shall be the particular duty of the traffic
division:
(1) To keep records of all violations in this city of this
chapter and other ordinances of this city and of the
state traffic and vehicle laws of which any person has
been charged, together with a record of the disposition
of all such alleged offenses. Such records shall be so
maintained as to show all types of violations and the
total of each. All forms for records of violations shall be
serially numbered for each month and year, and
written records shall be kept available to the public,
showing the disposal of such forms. All such records
and reports shall be public records.
(2) To investigate traffic accidents and, assisted by
all other members of the police department, to arrest
and to assist to the prosecution of those persons
charged with violations causing or contributing to such
accidents.
(3) To assist the city traffic engineer in conducting
studies of the causes of such accidents and
determining remedial measures whenever three
accidents have occurred at any particular location
within a period of one year.
(4) To maintain a suitable system of filing traffic
accident reports. Accident reports or cards referring to
them shall be filed alphabetically by location. Such
reports shall be transferred to city traffic engineer after
three months.
(5) To receive and properly file all accident reports
made to it under state law or under any ordinance of
this city, but all such accident reports made by drivers
shall be for the confidential use of the police
department and the city traffic engineer only, and no
such report shall be admissible in any civil or criminal
proceedings other than upon request of the court having
jurisdiction to prove a compliance with the laws
requiring the making of any such report.
(6) To maintain suitable records of all traffic
accidents warranting karrest or conviction and
complaint reports for each driver, which shall be filed
alphabetically under the name of the driver con-
cerned.
(7) To study the cases of all drivers charged with
frequent or serious violations of the traffic laws or
involved in frequent traffic accidents or in serious
accidents and take whatever steps are lawful and
reasonable to prevent the same or to have the licenses

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adway, sidewalk, alley or other public place;
any person drive or move any vehicle or
hin the city, the wheels or tires of which carry
deposit in any street, roadway, alley or other
ace any mud, dirt, sticky substances or foreign
any kind. (Ord. G-34.1.)
7-89. Penalties.
person convicted of a violation of this section
unished by a fine of two hundred fifty dollars
0) plus court cost.
7-90. Severability.
any provision or term of this chapter, or any
on thereof, is held invalid, the invalidity shall
t other applications of the provisions of terms
hapter which reasonably can be given effect
he invalid provision or term for the application

rticle IX shall be completely reviewed by the
overnmental authority upon completion of
of the new Fort Wayne byPass.
7-91. Truck Parking restrictions.
iver of a vehicle with an overall length of more
nty (20) feet, or with an overall width of more
en (7) feet, six (6) inches, shall not park such
n or in any street or alley or driveway in any
al district in the city, except temporarily while
engaged in loading or unloading freight or
aterials on or from such vehicle, nor shall any
ictor, farm tractor, road tractor, semi-trailer,
tor, or any other commercial vehicle be parked
n any driveway, street, or alley in
dential district, except temporarily while said
s being used for unloading freight or other
s on or from such vehicle. (Ord. 2736,
No. G-15-84, 2, 7-24-84)
17-92. Load limits on bridges.
he Board of Public Works and Safety is hereby
ed, by resolution regularly adopted, to reduce
ss load weight allowed on any bridge,
ay or viaduct below that prescribed by state
enever such board may determine that the
m load otherwise permitted is greater than
dge, causeway or viaduct can sustain without
damage or with safety to itself.
When signs are erected pursuant to this section
spicious place at the end of the structure,
g the gross weight allowed on any such
causeway or viaduct, no vehicle shall be moved
h bridge, causeway or viaduct when the gross
of such vehicle is greater than that
on such bridge, causeway or viaduct. (Ord.
)

ARTICLE X. SIGHT RESTRICTIONS

-93. Corner visibility.
ence, wall, hedge or other planting or other
tion to vision, extending in excess of three feet
or hanging lower than eight feet above
ablished street centerline grade shall be
planted or maintained in the areas described
provided, that this restriction shall not apply
ngs in the B-3-A district as established under
33.
corner lot. The area bounded by the edges of
ting roadways and a line intersecting such
nes at points forty feet distant from the
tion of the edge of roadway lines extended on
aring before any deflection for the intersec-

ot at intersection of alley. The area bounded by
ge of the roadway and the edge of the
ting alley and a line intersecting such edge lines
ninety feet distant on the roadway and fifteen
tant on the alley from the intersection of such
nes extended on their bearing before any
on for the intersection.
y owners shall fail to remove any such
tions within fifteen days after notice, the city
ngineer may cause them to be removed at the
of the owner. The police department, street
nent, park department and building depart-
ll cooperate with the traffic engineer in the
ment of this provision. (G-01-68, 1.)

ARTICLE XI. SNOW

-94. Snow alert - Definition.
ow alert" is hereby declared by the Board of
Works and Safety to be a period of time prior to,
or after a snowfall of an actual or
ted accumulation of not less than two (2)
as forecast by the United States Weather
and during which time vehicular traffic is
d to be particularly hazardous or congested
he elements, and during which period of time
king of such vehicles could hinder, delay,
struct the safe flow of traffic and the proper
, clearing and making safe of certain heavily
public streets of this city, which streets shall
gnated as "Snow Control Routes" and listed in
le 18, maintained in the office of the Traffic
er.
17-95. Definition of Snow Emergency.
ow emergency" is hereby declared to be a
f time prior to a forecast by the United States
r Bureau during and after a snowfall,
which the vehicular traffic is expected to be
arly hazardous or congested due to the
ts, and during which period of time the parking
vehicles could hinder, delay, and obstruct the
w of traffic and the proper cleaning, clearing
aking safe of certain heavily traveled public
of this city, which streets shall be designated as
control routes and listed in Schedule 18,
ned in the office of the Traffic Engineer.
17-96. Snow Alert - Determination and
nation by the Board of Public Works and
duration.
now Alert" shall commence by order of the
of Public Works and Safety before during or
snowfall with an accumulation of not less than
inches. The sound judgment and discretion of
ard when the circumstances warrant the

equipment required in this article. (Ord. 2726, 1.)
Sec. 17-111. Bicycle dealers.
Every person engaged in the business of buying or selling new or secondhand bicycles shall, on or before the third day of each month, make a report to the city controller of every bicycle purchased or sold by such dealer during the immediately prior month, giving the name and address of the person from whom purchases or to whom sold, a description of such bicycle by name or make, the frame number thereof and the number of license plate or decal, if any, found thereon. (Ord. 2726, 1.)
Sec. 17-112. Speed.
No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing. (Ord. 2726, 1.)
Sec. 17-113. Emerging from alley or driveway.
The operator of a bicycle emerging from an alley, driveway
or building, shall upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrains approching on such sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on such roadway. (Ord. 2726, 1.)
Sec. 17-114. Parking.
No person shall park a bicycle upon the traveled portion of the street. Bicycles may be parked only upon the sidewalk area in a rack provided to support the bicycle or against a building or in such manner as to afford the least obstruction pedestrain traffic. (Ord. 2726, 1; Ord. G-26-68, 2.)
Sec. 17-115. Riding on sidewalks.
(a) No person shall ride a bicycle upon a sidewalk within a business district.
(b) Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrain and shall give audible signal before overtaking and passing such pedestrain.
(c) No person shall operate a moped or motorized bicycle on any sidewalk or other path designed for the primary use of bicycles. (Ord. 2726, 1.)
Sec. 17-116. Penalties for violation of article.
Every person convicted of a violation of any provision of this article shall be punished by a fine of not less than five dollars ($5.00) and not more than one hundred dollars ($100.00) or by the removal and detention of the license plate or decal from such person's bicycle for a period not to exceed thirty (30) days or by the impounding of such person's bicycle for a period not to exceed thirty (30) days or by any combination thereof. (Ord. 2726, 1; Ord. G-26-68, 4.)

ARTICLE XIII. ICE CREAM TRUCKS.

Sec. 17-117. Definitions
(a) Ice cream truck shall mean every motor vehicle in which ice cream, ice milk, frozen dairy products or ice flavored with syrup is carried for purposes of retail sale on the streets of the city.
(b) Vend or vending shall mean offering ice cream, ice milk, frozen dairy products of ice flavored with syrup for sale from a motor vehicle on the public streets of the city. (Ord. No. G-07-82, 2, 5-25-82)
Sec. 17-118. Inspection, equipment and licensing.
Once every year prior to the issuance of any license to any person who uses and operates any ice cream truck on the streets of the city, the owner thereof shall cause said ice cream truck to be thoroughly examined and inspected by the health officer of the city-county board of health to determine compliance with the minimum sanitation and health requirements specified by the state board of health. Written proof of said inspection shall be promptly transmitted by the health officer to the office of the controller of the city. Upon receipt of the written proof of inspection showing compliance with minimum sanitation and health requirements as hereinabove specified and prior to the issuance of a vendor or peddler's license as set from hereinafter and prior to the use and operation of said ice cream truck, said ice cream truck shall be thoroughly examined and inspected by the police department and must have the following safety equipment on said vehicle in good working order.
(1) A metal, horizontally extendable sign at least twenty (20) inches in length, and at least ten (10) inches in width imprinted with the words "STOP" in six-inch, black block letters on yellow background, and "PROCEED WITH CAUTION" in two-inch black block letters on yellow background, such arm to be lighted at the street end of said arm with two (2) alternately flashing lights two (2) inches in diameter, amber in the front and red in the back clearly visible from both front and rear directions at a distance of at least three hundred (300) feet, the bottom of said sign to be at a height between three (3) and five (5) feet above the level of the street or way.
(2) The inspection letter for each vehicle by the board of health and police department shall be carried in that vehicle.
(3) Each vendor driver shall possess a valid Indiana chauffeur's driver's license. The owner shall provide his drivers, in the spring, a safety program of at least two (2) hours taught by a qualified instructor in the operation of the ice cream truck and vending of the ice cream, etc. (Ord. No. G-07-82, 3, 5-25-82. Ord. No. G-12-83. 1, 4-12-83)
Sec. 17-119. Violations by motorists.
(a) It shall be unlawful for any motorist when approaching a parked (defined as located within six (6) inches of the curb or side of road, whichever is applicable) ice cream truck from any direction at a time when such ice cream truck is displaying the metal extendable arm and the flashing lights, to fail to come to a complete stop at least ten (10) feet from the closest end of said ice cream truck or to fail to then proceed with caution past such ice cream truck at a reasonable and prudent speed and to yield the right-of-way to any pedestrian who crosses the roadway to or from the side of said ice cream truck; provided, that on any street or highway divided into

the common council a traffic report which shall contain information on traffic matters in this city as follows:
a. The number of traffic accidents, the number of persons killed, the number of persons injured and other pertinent accident data.
b. The number of traffic accidents investigated, and other pertinent data on the safety activities of the police.
c. The plan and recommendation of the division for future traffic safety activities.
(10) To designate a type of pennant or other identifying insignia to be displayed upon, or other method to be employed to identify, the vehicles in a funeral procession. (Ord. G-08-76, 1.)
12-30/1-6

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